

Message

From: Fruitwala, Kishor [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A19009BA86A4236B97131D5D16F2FAE-FRUITWALA, KISHOR]
Sent: 8/24/2018 8:59:50 PM
To: McArthur, Lisa [McArthur.Lisa@epa.gov]; Kohler, Amanda [Kohler.Amanda@epa.gov]; Young, Jessica [Young.Jessica@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Galbraith, Michael [Galbraith.Michael@epa.gov]
CC: Schuver, Henry [Schuver.Henry@epa.gov]; Valdez, Heather [Valdez.Heather@epa.gov]; Knittel, Janette [Knittel.Janette@epa.gov]; Skadowski, Suzanne [Skadowski.Suzanne@epa.gov]; Nelson, Victoria [nelson.victoria@epa.gov]; Hedgpeth, Zach [Hedgpeth.Zach@epa.gov]; Harry Shah [Shah.Harry@epa.gov]
Subject: RE: Region 10 needs help with TDU issue.

Harry Shah will attend the Atlanta training. I am copying him this email.

Thank you.

Kishor

Kishor Fruitwala, Ph.D., P.E.
Acting Associate Director for RCRA
Multimedia Division, EPA Region 6
214-665-6669

From: McArthur, Lisa
Sent: Friday, August 24, 2018 3:50 PM
To: Kohler, Amanda <Kohler.Amanda@epa.gov>; Young, Jessica <Young.Jessica@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Galbraith, Michael <Galbraith.Michael@epa.gov>
Cc: Schuver, Henry <Schuver.Henry@epa.gov>; Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>; Valdez, Heather <Valdez.Heather@epa.gov>; Knittel, Janette <Knittel.Janette@epa.gov>; Skadowski, Suzanne <Skadowski.Suzanne@epa.gov>; Nelson, Victoria <nelson.victoria@epa.gov>; Hedgpeth, Zach <Hedgpeth.Zach@epa.gov>
Subject: Region 10 needs help with TDU issue.
Importance: High

I wanted to make you aware that a series of newspaper articles like the one below have come out recently, covering the TD*X charges that the Chem Waste facility in Arlington, Oregon is being incorrectly permitted, specifically in regard to its thermal desorber unit. I would like to ask for a side meeting at the incineration training next week, for Heather, Zach, Mike, and anyone who is attending from Region 6, to please meet and discuss some of the technical specifics of this facility. I am meeting with ODEQ management on this issue next Wednesday.

Thank you,

Lisa

Lisa McArthur
Manager, RCRA Corrective Action, Permits and PCB Unit
Region 10, U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 155, OAW-150
Seattle, WA 98101-3123
(206) 553-1814

From: Skadowski, Suzanne

Sent: Thursday, August 23, 2018 8:55 AM

To: Valdez, Heather <Valdez.Heather@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>; Bray, Dave <Bray.Dave@epa.gov>; Knittel, Janette <Knittel.Janette@epa.gov>; Castrilli, Laura <Castrilli.Laura@epa.gov>; Bartus, Dave <Bartus.Dave@epa.gov>; McArthur, Lisa <McArthur.Lisa@epa.gov>; Nelson, Victoria <nelson.victoria@epa.gov>
Subject: RE: Hazardous waste company charges its rival with excessive mercury emissions into Gorge air

See attached: CWMNW facility fact sheet from ODEQ for last night's permit hearing.

From: Skadowski, Suzanne

Sent: Wednesday, August 22, 2018 2:28 PM

To: Valdez, Heather <Valdez.Heather@epa.gov>; McClintock, Katie <McClintock.Katie@epa.gov>; Bray, Dave <Bray.Dave@epa.gov>; Knittel, Janette <Knittel.Janette@epa.gov>; Castrilli, Laura <Castrilli.Laura@epa.gov>; Bartus, Dave <Bartus.Dave@epa.gov>; McArthur, Lisa <McArthur.Lisa@epa.gov>; Nelson, Victoria <nelson.victoria@epa.gov>
Subject: Hazardous waste company charges its rival with excessive mercury emissions into Gorge air -- Portland Mercury

FYI ODEQ is holding a public hearing tonight on the CWMNW facility's temporary hazardous waste permit modification.

Hazardous waste company charges its rival with excessive mercury emissions into Gorge air
Portland Mercury | Paul Koberstein | August 22, 2018

TDX, in new report, says regulators are going too easy on ChemWaste, owned by Waste Management.

Two competing companies that handle hazardous waste are arguing over how much toxic pollution is being dumped into the Columbia River Gorge's air by a hazardous waste operation in Eastern Oregon.

One of the companies, TD*X, claims that the other company, Chemical Waste Management of the Northwest Inc., or ChemWaste, emits at least 2.1 tons of mercury vapors per year from its operations in Arlington. ChemWaste is owned by Waste Management, which also owns an adjacent landfill near Arlington. The site is located about 7 miles south of the Columbia River some 50 miles east of the Columbia River Gorge National Scenic Area.

Mercury is toxic to the central nervous system. The inhalation of mercury vapor can produce harmful effects on the nervous, digestive and immune systems, lungs and kidneys, and may be fatal, according to the U.S. Environmental Protection Agency. The EPA says no human data currently ties mercury exposure to cancer, but some forms of mercury have caused tumors in rats and mice.

Without "appropriate" limits on air emissions, TD*X said, the plant "is not protective of human health and the environment."

Though it has no sites in Oregon, TD*X says it operates "an essentially identical" plant near Corpus Christi, Texas. Both companies compete for a share of the nation's hazardous waste handling, storage and disposal business.

Last week, TD*X issued a 202-page report indicating that some hazardous waste disposal plants around the country, such as the one in Arlington, use inferior air pollution control systems and can emit more than a half-pound of mercury per day. These plants take in oil waste and then extract contamination before recycling the used oil.

Mercury is a known constituent of the crude oil wastes that are treated at many of these plants, including the one in Arlington. TD*X collected this data from several hazardous waste generators over a period of 10 years.

TD*X's data show that if the Arlington plant deployed a superior type of pollution control system known as the "maximum available control technology," it could reduce its mercury emissions by 99.5 percent. It said ChemWaste's mercury emissions are a "whopping" 7,360 times higher than necessary.

Jackie Lang, a ChemWaste spokeswoman, said TD*X "is attempting to raise issues that were reviewed extensively and fully vetted during the DEQ air permitting process," referring to the Oregon Department of Environmental Quality.

Lang acknowledged that the plant treats wastes contaminated with mercury, but denied that it emits mercury into the air.

"The fact is, the technology at this site was developed in consultation with the leading expert in the field," she said.

DEQ said it is preparing a detailed analysis of the allegations and a response to the Tribune's questions submitted last Thursday, Friday and Monday, but that wasn't ready by our presstime.

DEQ spokeswoman Jennifer Flynt said the agency believes it is properly enforcing the law and that ChemWaste's mercury emissions are minimal.

TD*X spokesman Carl Palmer said its data show that the plant also emits 33 tons of tiny particles to the air, consisting of cadmium, lead, selenium, antimony, arsenic, beryllium, chromium, cobalt, manganese, nickel and hydrochloric acid. Emissions of these metals at the Arlington plant may be nearly 500 times higher than they could be if better technology was deployed, he said.

These tiny particles can get permanently lodged in the lungs, where they can cause respiratory problems and possibly cancer.

The plant also treats wastes contaminated with polychlorinated biphenyls (PCBs) and pesticides, DEQ documents show.

ChemWaste's air pollution permit, which was issued in 2014 by the DEQ, allows the plant to emit unlimited amounts of dioxin, TD*X's report said. The permit is set to expire next February.

Dioxin is the most potent carcinogen found in industrial waste. If the plant used the strongest available pollution control equipment, it could limit its dioxin emissions to just .2 nanograms per year, a tiny amount, the report said.

TD*X said DEQ requires "no performance testing" of the air pollution equipment. TD*X also charged that the DEQ permit places no limits on the amount of mercury and other compounds the plant can emit.

A DEQ report says the plant has the potential to emit 12.27 tons of several kinds of toxic compounds per year. The report does not list mercury among those compounds.

The plant uses a quench system that removes "any mercury contaminants, if present," Lang said in a statement.

ChemWaste also uses equipment known as thermal oxidizers to remove contaminants, but the oxidizers are incapable of removing metals like mercury, she said.

"The process is essentially oil recycling," Lang said. "It's an innovative way to treat sediments from refinery storage tanks, for reuse."

ChemWaste's environmental protection system is designed to meet or exceed state and federal requirements, Lang said. "Waste Management's commitment is full compliance."

TD*X says the ChemWaste's permit exempts its plant from certain hazardous waste regulations. The company said that if DEQ required compliance with federal or state environmental regulations, its toxic emissions "would not be significant."

If TD*X's allegations are true, potential impacts to the scenic area's air quality could be significant, said Michael Lang, conservation director for the Friends of the Columbia Gorge.

"We are currently in the process of fact-gathering and it appears that TD*X's claim is accurate," Lang said. "I can say right now that Friends of the Columbia Gorge is concerned that the project would harm air quality in the Columbia River Gorge."

Lang said air in the Gorge "is already significantly degraded" by the urban pollution plume from the west, the Boardman coal-fired power plant east of Arlington, and smoke from forest fires throughout the region.

"The DEQ is supposed to review permits for their impacts on Gorge air quality. Permitting an unregulated source of hazardous air pollutants near the Columbia River Gorge National Scenic Area and its communities seems reckless," he said.

Carl Palmer, a TD*X spokesman, said the EPA under President Donald Trump has been allowing states like Oregon to use inferior pollution control technology and ignore federal rules requiring hazardous waste handlers to use the maximum available control technology. He said the DEQ is following the EPA's lead on what kind of technology to allow.

Palmer said hazardous waste disposal companies can gain competitive advantages by using inferior air pollution control equipment. He said they can cut costs and offer better prices to customers while increasing the amount of pollution they emit.

Metro, the regional government in Portland, has asked the DEQ to investigate the situation, according to spokesman Jim Middaugh. Metro has a contract with Waste Management Inc., ChemWaste's owner, to send Portland's garbage to an adjacent landfill site in Arlington.

Stephanie Rawson, Metro's solid waste cleanup enforcement supervisor, asked DEQ for information about the types of waste handled by the plant, its air pollution permit, its air pollution controls and the types of pollutants it emits.

ChemWaste recently received a temporary hazardous waste permit from the DEQ allowing it to operate the plant. It subsequently applied for a modification of that permit.

"We are asking for permission to modify the site's permit by adding storage tanks and a waste water treatment system," Jackie Lang said. A public hearing on the modification was scheduled for Wednesday in Arlington. DEQ will accept public comments on the modification until Sept. 21.

Message

From: Bayless, Shirley [Bayless.Shirley@epa.gov]
Sent: 7/31/2017 7:46:20 PM
To: Luschek, Robert [Luschek.Robert@epa.gov]
CC: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: RE: SCOUT Addition - Chemical Waste Management

Done

Thank you,
Shirley Bayless
1445 Ross Ave.
6MM-RS
Dallas, TX 75202-2733

EPA Region 6
214-665-6562
bayless.shirley@epa.gov

From: Luschek, Robert
Sent: Monday, July 31, 2017 2:31 PM
To: Bayless, Shirley
Cc: Fruitwala, Kishor
Subject: SCOUT Addition - Chemical Waste Management

Hi Shirley,

Could you please add the following into SCOUT:

08/16/2017
Wednesday

Hazardous
waste permit
review for
Chemical
Waste
Management,
Lake Charles
Facility,
Sulphur, LA

Region06/
6MM/
RCRA
Type:
Permit

Completion of permit review while providing oversight for permitting.

MILESTONE DESCRIPTION: Review of the Hazardous Waste permit modification to ensure

If you have any questions, I'll be working from home till 5:00 today and then in the office tomorrow.

Thanks!!!

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Susan Spalding [Spalding.Susan@epa.gov]
Sent: 10/5/2012 3:43:19 PM
To: Shah, Harry [shah.harry@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: US Ecology

FYI - from the Corpus Christi Caller.

Robstown toxic waste site agrees to EPA fine

By Mark Collette

Thursday, October 4, 2012

ROBSTOWN — Two toxic waste treatment companies agreed to a fine of more than \$788,000 for processing and storing waste without a permit at a facility in Robstown, the Environmental Protection Agency announced Thursday.

The agreement resolves three counts against US Ecology of Texas and TD*X Associates, the EPA said in a written statement.

The EPA statement did not specify when the violations occurred or what type of waste was processed without a permit at the facility on County Road 69, and EPA officials could not be reached for comment.

Company officials said the EPA claims arose because they differed with the EPA on their interpretation of federal law that describes what kind of waste is acceptable at the part of the site that takes material from oil refining processes.

Mark John, general manager of the Robstown facility for US Ecology, said the oil reclamation area accepts storage tank bottoms and a catalyst from petroleum refiners.

John said the EPA felt that some of the waste was unacceptable under law because it came from a petrochemical refining process rather than a petroleum refining process.

He said the situation arose because of a lack of clarity in the EPA rules on what qualifies as acceptable waste.

"The regulated entities have to interpret that as best they can," he said.

The settlement agreement spells out what can be accepted at the site from now on.

"We felt like we were in total compliance before, but if EPA interprets things differently, obviously we have to change the way we do things," John said.

US Ecology will pay \$165,000 of the fine, with the remainder to be paid by TD*X, John said.

In addition to the fine, the EPA agreement requires the companies to apply to the Texas Commission on Environmental Quality for a new permit.

The federal settlement comes as US Ecology is seeking state approval to expand capacity at the Robstown facility. The commission's executive director in November gave preliminary approval of the plan to increase uncovered landfill capacity to 4,000 cubic yards or about 810,000 gallons, continue operations in other parts of

the 440-acre site and extend operating hours.

Some residents in the area want the commission to grant a hearing on the company's request, saying the company should be required to install equipment to monitor air quality around the plant. More than 60 people have requested a hearing in front of an administrative law judge, commission spokeswoman Andrea Morrow said.

The commission is scheduled to consider those requests Oct. 31.

Susan Spalding
Associate Director, RCRA
Multimedia Planning and Permitting Division
EPA Region 6
phone 214.665.8022

Message

From: Pearson, Evan [Pearson.Evan@epa.gov]
Sent: 6/28/2012 12:47:51 PM
To: Shah, Harry [shah.harry@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Eva Steele [Steele.EvaLNDU@usepa.onmicrosoft.com]; Tidmore, Guy [tidmore.guy@epa.gov]; Lutz, Craig [lutz.craig@epa.gov]
Subject: Fw: U. S. Ecology Texas/TD*X Associates
Attachments: 2012_06-14_(Final) USET - TDX CAFO_cp120624.doc

Evan L. Pearson
Senior Enforcement Counsel (6RC-ER)
RCRA Enforcement Branch
Office of Regional Counsel
U.S. EPA - Region 6
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----- Forwarded by Evan Pearson/R6/USEPA/US on 06/28/2012 07:46 AM -----

From: "Reagan, Mary" <mreagan@mcginnislaw.com>
To: Evan Pearson/R6/USEPA/US@EPA
Cc: "Andrew Marshall" <amarshall@usecology.com>, <sbell@usecology.com>, "Head, JD" <JDHead@fbhh.com>, "Gregg Meyers" <gmeyers@tdxassociates.com>, "Carl Palmer" <cpalmer@tdxassociates.com>, <asowatzka@bakerdonelson.com>
Date: 06/27/2012 04:59 PM
Subject: U. S. Ecology Texas/TD*X Associates

CONFIDENTIAL SETTLEMENT COMMUNICATION

Dear Evan,

As you requested, attached for your review is a draft consent agreement and final order (CAFO) containing revisions to Section III based on our settlement discussions on June 21 and June 22, 2012. Please contact us with any questions or comments.

Regards,
Mary
J.D. (with permission)

Mary Reagan

Email: mreagan@mcginnislaw.com

Office: (512) 495-6013

Fax: (512) 505-6313

Address:

McGinnis, Lochridge & Kilgore, L.L.P.
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2012_06-14_(Fin...
USET - TDX CA...

by reply email, and delete all copies of this email and any attachments.

Message

From: Pearson, Evan [Pearson.Evan@epa.gov]
Sent: 6/15/2012 2:16:43 PM
To: Tidmore, Guy [tidmore.guy@epa.gov]; Eva Steele [Steele.EvaLNDU@usepa.onmicrosoft.com]; Lutz, Craig [lutz.craig@epa.gov]; Toups, Brad [Toups.Brad@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Shah, Harry [shah.harry@epa.gov]
Subject: USET CAFO
Attachments: 2012_06-14_(Final) USET - TDX CAFO.doc

I forgot to attached this to the calendar message. Here is USET's proposed CAFO again.



2012_06-14_(Fin...
USET - TDX CA...

Evan L. Pearson
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Message

From: Eva Steele [Steele.EvaLNDU@usepa.onmicrosoft.com]
Sent: 7/5/2012 1:45:00 PM
To: Kaleri, Cynthia [kaleri.cynthia@epa.gov]
CC: Tidmore, Guy [tidmore.guy@epa.gov]; Pearson, Evan [Pearson.Evan@epa.gov]; Toups, Brad [Toups.Brad@epa.gov]; Lutz, Craig [lutz.craig@epa.gov]; Herrera, Esteban [Herrera.Esteban@epa.gov]; Shah, Harry [shah.harry@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Michael Barra [Barra.MichaelLNDU@usepa.onmicrosoft.com]; Aisling, Kathleen [Aisling.Kathleen@epa.gov]; Thompson, Steve [thompson.steve@epa.gov]
Subject: Re: Comments on USET and TD*X's Draft RCRA Compliance Demonstration Test Plan

Hi Cynthia, Attached is an electronic version of their test plan

Eva K. Steele
RCRA Inspector/ Enforcement Officer/Region 6 States Liaison
Compliance Assurance & Enforcement Division
U.S. EPA Region 6
Phone: (214) 665-7211
Fax: (214) 665-7264

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From: Cynthia Kaleri/R6/USEPA/US
To: Eva Steele/R6/USEPA/US@EPA, Guy Tidmore/R6/USEPA/US@EPA
Cc: Evan Pearson/R6/USEPA/US@EPA, Brad Toups/R6/USEPA/US@EPA, Craig Lutz/R6/USEPA/US@EPA, Esteban Herrera/R6/USEPA/US@EPA, Harry Shah/R6/USEPA/US@EPA, Kishor Fruitwala/R6/USEPA/US@EPA, Michael Barra/R6/USEPA/US@EPA, Kathleen Aisling/R6/USEPA/US@EPA, Steve Thompson/R6/USEPA/US@EPA
Date: 07/05/2012 08:40 AM
Subject: Re: Comments on USET and TD*X's Draft RCRA Compliance Demonstration Test Plan

Hello Eva/Guy,

Evan indicated ya'll had the test plan and so I would like to request a copy for an initial review (electronic or hard copy is fine). Also, if you have any of the following additional information (either electronic or hard copy) I could borrow, that would be extremely helpful:

1. Any Test Plan Appendices or Supplemental Plans, such as their Feedstream Analysis Plan (FAP) or Waste Analysis Plan (WAP) under RCRA, their CMS Plan, Operation and Maintenance Plans (OMPs) or manufacturer's (vendor's) O&M manuals if that is how they set their operation parameters of particular process equipment, and if they have it (and they may not at this stage), a copy of their Startup, Shutdown, and Malfunction Plan (SSMP) or equivalent info under RCRA.
2. PIDs or process flow diagrams of the current process unit operations versus the planned setup (i.e., reroute of vapors), including all process units or air pollution control equipment. and all supporting operating scenario descriptions (if not explained adequately in the test plan, not just what they have presented as "worst case operating scenario"). For example, do they ever bypass certain equipment or operate certain units at max/min set points? Any AWFCOs currently used?
3. Any prior regulatory or pre-test results to share (summary form)?
4. Finally, are any other CAA subparts applicable to unit operations (NSPS/NESHAP)? Just a listing would be great.

All of this stuff may be in the Test Plan or Appendices, but then again, maybe this info was submitted separately. Hope

this list helps and as soon as I get the plan itself, I'll get started. Thanks so much!

Hope everyone had a safe and happy 4th,

Cynthia J. Kaleri
Enforcement Officer (6EN-AA)
United States Environmental Protection Agency
1445 Ross Avenue - Dallas, TX 75202-2733
Phone: 214-665-6772

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From: Evan Pearson/R6/USEPA/US
To: Eva Steele/R6/USEPA/US@EPA, Craig Lutz/R6/USEPA/US@EPA, Cynthia Kaleri/R6/USEPA/US@EPA
Cc: Guy Tidmore/R6/USEPA/US@EPA, Esteban Herrera/R6/USEPA/US@EPA, Michael Barra/R6/USEPA/US@EPA, Kishor Fruitwala/R6/USEPA/US@EPA, Harry Shah/R6/USEPA/US@EPA, Brad Toups/R6/USEPA/US@EPA
Date: 07/03/2012 03:41 PM
Subject: Comments on USET and TD*X's Draft RCRA Compliance Demonstration Test Plan

I have the following comments on the USET and TD*X's Draft RCRA Compliance Demonstration Test Plan that we received from USET and TD*X. These comments are somewhat non-technical in nature based on various discussions I have had with EPA technical personnel. I am sending these comments to everyone on the negotiating team, as well as others to whom I understand may be reviewing this plan. Please note that I am not directing anyone to review the plan. Your supervisors will, of course, make that decision. However, I am sending this to you in the event you will be reviewing the plan. I will also be out of the office from July 4 – 23, 2012, so I wanted to send this out before I left. Copies of the plan will be available from either Eva Steele or Guy Tidmore.

As you may know, we are negotiating a Consent Agreement and Final Order (CAFO) which will require USET/TD*X to receive a RCRA Subpart X permit for the reconfigured thermal desorption unit (TDU). Currently, the TDU operates as follows:

The TDU uses heat from an indirect heated rotary dryer to separate the organic contaminants from the hazardous waste feed material. A nitrogen carrier gas is used to transfer the vapor phase organic constituents to a gas treatment system. The oil is recovered by condensing vapor phase organic constituents in the gas treatment system. The vent stream is filtered, then nitrogen, along with non-condensable gases, is injected into the combustion chamber of the TDU, where it is burned.

After reconfiguration, the vent stream will be sent to a thermal oxidizing unit (TOU) instead of being injected into the combustion chamber of the TDU.

Under Subpart X, we are required to consider appropriate requirements of 40 C.F.R. Part 264, Subparts I – O, AA – CC, Part 270, 40 C.F.R. Part 63, Subpart EEE, and 40 C.F.R. Part 146. Therefore, we don't have to follow, for example, every provision of Subpart EEE, only those that are appropriate.

However, since the TOU is a combustion unit, it seems to me that we should use Subpart EEE wherever it is appropriate.

Potential to Emit

We are requiring this test plan and test burn as part of this CAFO. In addition, as it states on page 27 of the Test Plan, it will be used to determine compliance with the air regulations, and will be used, in part, to determine the facility's potential to emit (PTE). Therefore, I want to make sure that this consideration is part of your review.

Craig Lutz and Brad Toups can assist you in determining the PTE. However, I have provided the following guidance to use in your review.

"Potential to emit" is defined in 30 T.A.C. § 116.12(27) as the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or enforceable operational limitation on the capacity of the

stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, may be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions, as defined in 40 C.F.R. § 51.165(a)(1)(viii), do not count in determining the potential to emit for a stationary source.

Any permit limitation can legally restrict potential to emit if it meets two criteria:

1. Federally enforceable – contained in a permit issued pursuant to a EPA-approved permit program or a permit issued by EPA, or submitted as a SIP revision and approved by EPA; and
2. Practically enforceable.

Type of Limitations that will restrict PTE

1. Emission Limitations – restrictions over a given period of time amount of pollutant emitted
2. Production Limitations – Amount of final product that can be manufactured/produced
3. Operational Limits – Hours of operation, amount of raw materials consumed, fuel combusted, or conditions which specify that the source must install and maintain add-on controls that operate at a specified emission rate or efficiency.

All production and operational limits except for hours of operation are limits on a source's capacity utilization.

Potential emissions are defined as the product of a source's emission rate at maximum operating capacity, capacity utilization, and hours of operation.

Permits must contain a production or operational limitation in addition to the emission limitation in cases where the emission limitation does not reflect the maximum emissions of the source operating at full design capacity without pollution control equipment.

When permits contain production or operational limits, they should also have recordkeeping requirements that allow a permitting agency to verify a source's compliance with its limits. For example, permits with limits on hours of operation or amount of final product should require an operating log to be kept in which the hours of operation and the amount of final product produced are recorded.

When permits require add-on controls operated at a specified efficiency level, permit writers should include, so that the operating efficiency condition is enforceable as a practical matter, those operating parameters and assumption which the permitting agency depended upon to determine that the control equipment would have a given efficiency.

A emission limitation alone would limit potential to emit only when it reflects the absolute maximum that a source could emit without controls or other operational restrictions. When a permit contains no limits on capacity utilization or hours of operation, the potential to emit calculation should assume operation at maximum design or achievable capacity (whichever is higher) and continuous operation (8760 hours per year).

This calculation, along with the PTE from other sources at the facility, will be used to determine whether USET/TD*X will need to get a Title V permit. Therefore, please review their plan with this in mind, to make sure that we can determine, based on the amount of feed going in, along with the HAPs concentration in the feed, the amount of emissions that come out of the TOU.

Specific Comments on the Test Plan

1. The Test Plan will be approved by EPA, not TCEQ.
2. There are a number of extraneous comments in Section II – Summary and at various other places throughout the document, stating that the TDU is not an incinerator and they have been performing an excluded recycling activity. These statements are not relevant to the test plan (and are not entirely correct) and we need to have a way to address them, because we don't want any statements in the plan to come back to haunt us. We will need to figure out some type of disclaimer or have them take the references out. Also, on page 2 it states that the plan meets appropriate informational requirements of 40 C.F.R. § 270.62(b)(2), including a Feedstream Analysis Plan and a Continuous Monitoring System (CMS) Plan. However, this statement is not correct, as there is no reference in 40 C.F.R. § 270.62(b)(2) to a feedstream analysis plan and a CMS Plan.
3. On page 2 and at other places throughout the document they reference a DRE of 99.99% based on the mass feed rate of the POHC fed to the TDU, as per 40 C.F.R. Part 264, Subpart O, and the mass emission rate of the same POHC

present in the exhaust emissions from the combusted process vent. This formula is based on feeding waste directly into an incinerator to be burned. Here, the feed is put into a TDU, where the waste is heated, and the gases are condensed, and then the uncondensed gases are sent to a TOU to be burned. The equation in Subpart O doesn't, in my non-technical opinion, seem to apply to this situation. Is this the correct way to test the efficiency of the two units. Is there a better way under Subpart EEE?

4. It seems to me that based on conversations with certain technical folks, that we need to determine the efficiency of the condensers. Is this true, and does the test plan do that? In our last meeting with USET/TD*X, we stated that we needed the following condenser operating parameters:

Dryer

1. Gas flow rate;
2. Maximum water and VOC content;
3. Minimum temperature; and
4. Minimum residence time.

Condenser

1. Maximum outlet temperature of the gas;
2. Minimum blowdown rate;
3. Minimum height of sump;
4. Minimum recirculation rate; and
5. Minimum water flow rate.

Additional operating parameters may be needed for the refrigerant condenser.

Of course, some of these may not be relevant based on the TDU's operation. For example, they stated that they don't have any blowdown.

5. We don't believe that the proper standard for the combustion chamber is 40 C.F.R. Part 264, Subpart AA. I think it should be at least 99.99%, based on Subpart EEE.

6. On page 15, there is a diagram of the TDU without showing the non-condensed gases being routed to the TOU. There should be a diagram showing the reconfigured operation, which would include the TOU.

7. Is the test being run under the worst case scenario? To my untrained eye, it doesn't seem to be. It states in Section 5.1.3, page 18, that the "TDU will be operated at optimal processing conditions as established during the shakedown operation". This doesn't seem to be a worst case scenario.

8. On page 18, it also states that the POHC for the DRE determination shall be the sum of all polynuclear aromatic hydrocarbon (PAH) compounds in the listings for K048 – K058, K-169-K172, F037, and F038. They stated that they anticipated that the POHC level of the feed material will be greater than 2,000 ppm. I assume that this number is different than the total VOC HAPs concentration of the feed. Is this correct?

USET/TD*X has represented to us that the maximum hourly VOC concentration in the liquid solid feed is 250,000 ppm, and the annual VOC concentration in liquids is 40,000 ppm, and 5000 ppm in solids.

If the two numbers are different (VOC HAPs and POHC), wouldn't they also have to do a separate run using the VOC numbers above to determine the potential to emit?

9. They stated that the maximum feed rate is 310 tons per day. They have stated that their maximum feed rate for sludges is 6 tons per hour and 14 tons per hour of catalyst. This needs to be corrected.

10. This Plan is supposed to include a Feedstream Analysis Plan and a CMS Plan. There is a reference to Feedstream Analysis in Section 12.4.1, on page 58. On first glance, it doesn't appear to meet the requirements of 40 C.F.R. § 63.1209(c)(2).

Where is the reference to the CMS Plan? The requirements for a CMS Plan is found in 40 C.F.R. § 63.1209. I also don't see any references to a carbon monoxide or hydrocarbon CEMS, or using an oxygen CEMS to monitor the carbon monoxide or hydrocarbon level to 7% oxygen. It may be in there somewhere, but I did not see it in my quick review.

11. Craig/Brad – Please specifically address the potential to emit question.

Evan L. Pearson
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File TDX RCRA Compliance Demonstration Test Part 2.pdf was moved to C:\Documents and Settings\kfruitwa\Desktop\TDX RCRA Compliance Demonstration Test Part 2.pdf on 11/21/2012

=====

File TDX RCRA Compliance Demonstration Test Part 1.pdf was moved to C:\Documents and Settings\kfruitwa\Desktop\TDX RCRA Compliance Demonstration Test Part 1.pdf on 11/21/2012

Message

From: Shah, Harry [Shah.Harry@epa.gov]
Sent: 4/2/2012 2:49:22 PM
To: Pearson, Evan [Pearson.Evan@epa.gov]
CC: Toups, Brad [Toups.Brad@epa.gov]; Lutz, Craig [lutz.craig@epa.gov]; Herrera, Esteban [Herrera.Esteban@epa.gov]; Eva Steele [Steele.EvaLNDU@usepa.onmicrosoft.com]; Tidmore, Guy [tidmore.guy@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Mark Hansen [Hansen.MarkLNDU@usepa.onmicrosoft.com]; Ryan Rosser [Rosser.Ryan@epa.gov]
Subject: Re: Meeting with U.S. Ecology and TD*X Associates

Evan,

I am available on Tuesday Morning (April 10) around 10:00 am.

Thanks.

From: Evan Pearson/R6/USEPA/US
To: Guy Tidmore/R6/USEPA/US@EPA, Eva Steele/R6/USEPA/US@EPA, Ryan Rosser/R6/USEPA/US@EPA, Craig Lutz/R6/USEPA/US@EPA, Brad Toups/R6/USEPA/US@EPA, Esteban Herrera/R6/USEPA/US@EPA, Harry Shah/R6/USEPA/US@EPA, Kishor Fruitwala/R6/USEPA/US@EPA, Guy Tidmore/R6/USEPA/US@EPA
Cc: Mark Hansen/R6/USEPA/US@EPA
Date: 04/02/2012 09:16 AM
Subject: Meeting with U.S. Ecology and TD*X Associates

John Blevins has asked us to meet with U.S. Ecology and TD*X Associates as soon as possible. They have proposed meeting the week of April 9th. Mark Hansen is planning on attending this meeting, and is available Tuesday morning (April 10th) and Wednesday morning (April 11th). The agenda has not yet been set, but I would like to check your availability for these two dates. It is possible some of you may not need to attend, but may be needed on a standby basis. Thanks.

Evan L. Pearson
Senior Enforcement Counsel (6RC-ER)
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Office of Regional Counsel
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Phone - (214) 665-8074
Fax - (214) 665-3177
E-Mail - pearson.evan@epa.gov

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Message

From: Shah, Harry [Shah.Harry@epa.gov]
Sent: 4/2/2012 2:22:08 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Fw: U.S. Ecology/TD*X Associates

----- Forwarded by Harry Shah/R6/USEPA/US on 04/02/2012 09:21 AM -----

From: Evan Pearson/R6/USEPA/US
To: mreagan@mcginnislaw.com, JDHead@fbhh.com, Mark Hansen/R6/USEPA/US@EPA
Date: 04/02/2012 09:21 AM
Subject: Fw: U.S. Ecology/TD*X Associates

One point I forgot to mention. We have 30 days to reach an agreement.

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Senior Enforcement Counsel (6RC-ER)
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----- Forwarded by Evan Pearson/R6/USEPA/US on 04/02/2012 09:19 AM -----

From: Evan Pearson/R6/USEPA/US
To: mreagan@mcginnislaw.com, JDHead@fbhh.com
Cc: Mark Hansen/R6/USEPA/US@EPA
Date: 04/02/2012 09:12 AM
Subject: U.S. Ecology/TD*X Associates

We are willing to meet with you the week of April 9th. Please check your availability for the mornings of Tuesday, April 10th or Wednesday, April 11th. I will do the same for our team. Mark Hansen is planning to attend, but Cheryl and Suzanne will not. We are willing to go over our legal theory again, but I believe that we have fully explained our position. I think its more of a matter that you don't agree with our position. We are also working diligently to put together a draft consent agreement and final order, along with a proposed penalty demand. If we are unable to present these at the meeting, you should receive them shortly thereafter. If you have any questions, please feel free to call.

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From: "Reagan, Mary" <mreagan@mcginnislaw.com>
To: Evan Pearson/R6/USEPA/US@EPA
Cc: Mark Hansen/R6/USEPA/US@EPA, "Jim Baumgardner" <JBAUMGARDNER@usecology.com>, "Simon Bell" <SBELL@usecology.com>, "Andrew Marshall" <amarshall@usecology.com>, <JDHead@fbhh.com>
Date: 03/29/2012 11:26 AM
Subject: U.S. Ecology/TD*X Associates

Dear Evan,

I understand US Ecology's CEO and TD*X's owner recently contacted John Blevins and Mark Hansen to discuss concerns associated with the EPA's proposed issuance of a formal complaint that would include an allegation that an incinerator permit is required to operate components of the thermal desorption unit. Both US Ecology and TD*X communicated their belief to Mr. Blevins and Mr. Hansen that any unilateral issuance of an unresolved complaint would result in customers' suspending shipments to the facility, effectively shutting down the thermal recycling business. Based on these conclusions, I further understand that Mr. Blevins agreed to withhold filing of the complaint over the next 30-45 days to allow the parties an opportunity to work out a settlement. Due to these recent communications, I am taking the liberty of copying Mr. Hansen on this e-mail as immediate assurance to him and Mr. Blevins of our commitment to this process.

Accordingly, although we maintain strong disagreement with EPA's conclusion as to the permitting status of this unit, at the same time we are actively exploring potential options that would be acceptable to the EPA so that any complaint can be accompanied with a clear resolution to EPA's concerns. The following provides our immediate plans and needs to discuss alternatives that may address EPA's concerns:

- Schedule a meeting with TCEQ in an effort to discuss potential permitting strategies and other considerations, including existing permit provisions that limit operating hours. We have already reached out to the TCEQ and are hoping to set up a meeting in Austin next week.
 - TCEQ is the authorized permitting authority and must be in accord with the solution and regulatory basis.
- Work with EPA in an effort to better understand the technical and legal basis of EPA's conclusions including specific citations and associated regulatory basis.
 - We have provided EPA with multiple EPA guidance documents, citations and rule references supporting our position that the thermal desorption unit is not an incinerator but to date the responsive information provided by EPA does not adequately explain EPA's technical analysis in our opinion.
 - If we are to successfully develop a solution and an alternate permitting or other mutually satisfactory approach, it is important that we get more detail on the EPA's position, including the understanding of the relevance of the Rineco case which EPA has referenced in support of its position. It will be very difficult for us to address EPA's concerns and resolve this matter without a complete understanding of the technical and regulatory basis for EPA's conclusions. (As one example, it appears that EPA has concluded that the process used at U. S. Ecology's

facility is comparable with Rineco's and based on this comparison, that the destruction of non-condensable gases in the combustion zone of the thermal desorption unit constitutes incineration. It appears, however, that Rineco uses a separate thermal oxidizer and EPA's consent decree with Rineco requires a Subpart X permit for a miscellaneous unit, not an incinerator permit.)

Schedule a meeting with you, Mark Hansen, Suzanne Murray, Cheryl Seager, and other subject matter EPA experts to discuss the results of meetings with the TCEQ, to discuss the technical and regulatory basis of EPA's position, and to present potential compliance strategies. Assuming we are able to schedule meeting with TCEQ next week, we would then schedule meeting with EPA for the week of April 9-13th.

I will plan on calling you shortly to discuss the matter further. Please do not hesitate to contact me in the meantime with any questions. I greatly appreciate your continued assistance and involvement.

Regards,
Mary

Mary Reagan

Email: mreagan@mcginnislaw.com

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Fax: (512) 505-6313

Address:

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Message

From: Shah, Harry [Shah.Harry@epa.gov]
Sent: 4/2/2012 2:18:53 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Fw: U.S. Ecology/TD*X Associates

----- Forwarded by Harry Shah/R6/USEPA/US on 04/02/2012 09:18 AM -----

From: Evan Pearson/R6/USEPA/US
To: mreagan@mcginnislaw.com, JDHead@fbhh.com
Cc: Mark Hansen/R6/USEPA/US@EPA
Date: 04/02/2012 09:12 AM
Subject: U.S. Ecology/TD*X Associates

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From: "Reagan, Mary" <mreagan@mcginnislaw.com>
To: Evan Pearson/R6/USEPA/US@EPA
Cc: Mark Hansen/R6/USEPA/US@EPA, "Jim Baumgardner" <JBAUMGARDNER@usecology.com>, "Simon Bell" <SBELL@usecology.com>, "Andrew Marshall" <amarshall@usecology.com>, <JDHead@fbhh.com>
Date: 03/29/2012 11:26 AM
Subject: U.S. Ecology/TD*X Associates

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unresolved complaint would result in customers' suspending shipments to the facility, effectively shutting down the thermal recycling business. Based on these conclusions, I further understand that Mr. Blevins agreed to withhold filing of the complaint over the next 30-45 days to allow the parties an opportunity to work out a settlement. Due to these recent communications, I am taking the liberty of copying Mr. Hansen on this e-mail as immediate assurance to him and Mr. Blevins of our commitment to this process.

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I will plan on calling you shortly to discuss the matter further. Please do not hesitate to contact me in the meantime with any questions. I greatly appreciate your continued assistance and involvement.

Regards,
Mary

Mary Reagan

Email: mreagan@mcginnislaw.com

Office: (512) 495-6013

Fax: (512) 505-6313

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Message

From: Shah, Harry [Shah.Harry@epa.gov]
Sent: 6/6/2012 6:30:20 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Susan Spalding [Spalding.Susan@epa.gov]
Subject: Fw: Draft USET & TD*X CAFO
Attachments: Draft USET - TDX CAFO - 6-6-12 - clean.docx; Draft USET - TDX CAFO - 6-6-12 - mark up.pdf

Fyi.

----- Forwarded by Harry Shah/R6/USEPA/US on 06/06/2012 01:29 PM -----

From: Evan Pearson/R6/USEPA/US
To: mreagan@mcginnislaw.com, jdhead@fbhh.com
Cc: Guy Tidmore/R6/USEPA/US@EPA, Eva Steele/R6/USEPA/US@EPA, Craig Lutz/R6/USEPA/US@EPA, Esteban Herrera/R6/USEPA/US@EPA, Mark Potts/R6/USEPA/US@EPA
Date: 06/06/2012 01:24 PM
Subject: Draft USET & TD*X CAFO

Attached are two revised draft CAFOs for USET & TD*X. The first CAFO is a clean version, and the second CAFO is a redlined/strikeout version. In addition to the changes made to Section III - Compliance Order, we added a section [Section IV.C - Paragraph 75] regarding compliance with the Benzene Waste Operation NESHAP, 40 C.F.R. Part 61, Subpart FF, and 40 C.F.R. Part 61, Subpart V (Fugitive Emission Sources). Subpart V is applicable to USET/TD*X's operation pursuant to 40 C.F.R. § 61.240(b). We assumed that the tanks would be vented to the TOU. There were also changes made to the Stipulated Penalty section. In addition, you will notice that we deleted the requirements for a risk burn and site-specific risk assessment. A few other minor changes were made in other parts of the CAFO. In addition, we have sent a copy of the Compliance Order to TCEQ for their review and comment.

Finally, we have been instructed by our management to complete negotiations on Section III - Compliance Order, and Section IV.C - Additional Requirements by the end of June. Since we are unable to meet the week of June 11th, could you please send us your comments on Sections III and IV.C by COB Wednesday, June 13th. We will commit to having a response ready for you prior to our meeting during the week of June 18th. As previously mentioned, we would like to meet for two days during the weeks of June 18th and June 25th, so we can finalize the injunctive relief by June 29th. Please let us know your availability ASAP. Thank you.



Draft USET - TDX
CAFO - 6-6-12 - ...



Draft USET - TDX
CAFO - 6-6-12 - ...

Evan L. Pearson
Senior Enforcement Counsel (6RC-ER)
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Message

From: Shah, Harry [Shah.Harry@epa.gov]
Sent: 5/9/2012 7:00:45 PM
To: Susan Spalding [Spalding.Susan@epa.gov]
CC: Pearson, Evan [Pearson.Evan@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Potts, Mark [Potts.Mark@epa.gov]; Michael Barra [Barra.MichaelLNDU@usepa.onmicrosoft.com]
Subject: Re: Availability for Conference Call with TCEQ Regarding U.S. Ecology

2:00 pm is fine for me .

From: Susan Spalding/R6/USEPA/US
To: Evan Pearson/R6/USEPA/US@EPA
Cc: Guy Tidmore/R6/USEPA/US@EPA, Harry Shah/R6/USEPA/US@EPA, Kishor Fruitwala/R6/USEPA/US@EPA, Mark Potts/R6/USEPA/US@EPA, Michael Barra/R6/USEPA/US@EPA
Date: 05/09/2012 01:12 PM
Subject: Re: Availability for Conference Call with TCEQ Regarding U.S. Ecology

Does 2:00 on Thursday work for everyone?

Susan Spalding
Associate Director, RCRA
Multimedia Planning and Permitting Division
EPA Region 6
phone 214.665.8022

From: Evan Pearson/R6/USEPA/US
To: Susan Spalding/R6/USEPA/US@EPA
Cc: Kishor Fruitwala/R6/USEPA/US@EPA, Harry Shah/R6/USEPA/US@EPA, Mark Potts/R6/USEPA/US@EPA, Guy Tidmore/R6/USEPA/US@EPA, Michael Barra/R6/USEPA/US@EPA
Date: 05/09/2012 10:31 AM
Subject: Availability for Conference Call with TCEQ Regarding U.S. Ecology

I am available on Thursday from 1 - 4 p.m. and on Friday from 9 - 3 p.m. Depending upon when the call is scheduled, I may have to call in from home, so I may need a call in number. It is also important that Guy Tidmore be a part of this call.

Evan L. Pearson
Senior Enforcement Counsel (6RC-ER)
RCRA Enforcement Branch
Office of Regional Counsel
U.S. EPA - Region 6
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Phone - (214) 665-8074
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Message

From: Shah, Harry [Shah.Harry@epa.gov]
Sent: 4/13/2012 8:15:17 PM
To: Lutz, Craig [lutz.craig@epa.gov]; Pearson, Evan [Pearson.Evan@epa.gov]; Eva Steele [Steele.EvaLNDU@usepa.onmicrosoft.com]; Tidmore, Guy [tidmore.guy@epa.gov]; Ryan Rosser [Rosser.Ryan@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: U.S. Ecology CAFO Comments - comments
Attachments: Draft USET-TDX CAFO_6PD.docx



Draft USET-TDX
CAFO_6PD.docx

Message

From: Shah, Harry [Shah.Harry@epa.gov]
Sent: 4/10/2012 2:12:08 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Fw: Informal Comments on USET & TD*X CAA Permitting
Attachments: Informal CAA Permit Comments.pdf; Authorizations at US Ecology Robstown.xlsx

----- Forwarded by Harry Shah/R6/USEPA/US on 04/10/2012 09:11 AM -----

From: Evan Pearson/R6/USEPA/US
To: mreagan@mcginnislaw.com, jdhead@fbhh.com
Cc: Craig Lutz/R6/USEPA/US@EPA, Brad Toups/R6/USEPA/US@EPA
Date: 04/10/2012 09:11 AM
Subject: Informal Comments on USET & TD*X CAA Permitting



Informal CAA
Permit Comment...



Authorizations at
US Ecology Rob...

Evan L. Pearson
Senior Enforcement Counsel (6RC-ER)
RCRA Enforcement Branch
Office of Regional Counsel
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Phone - (214) 665-8074
Fax - (214) 665-3177
E-Mail - pearson.evan@epa.gov

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Message

From: Susan Spalding [Spalding.Susan@epa.gov]
Sent: 5/30/2012 4:07:30 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Pearson, Evan [Pearson.Evan@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]
Subject: Re: Fw: U.S. Ecology - Potential Subpart X Permit

Thanks Kishor. Just to add a little more on the risk assessment side, we have lost all of our risk assessors in the RCRA program. We have consulted with Cindy Kaleri and Jeff Yurk in EN on occasion when we have had risk assessment questions. Perhaps they could help out if you pursue a risk assessment from US Ecology.

Susan Spalding
Associate Director, RCRA
Multimedia Planning and Permitting Division
EPA Region 6
phone 214.665.8022

From: Kishor Fruitwala/R6/USEPA/US
To: Susan Spalding/R6/USEPA/US
Date: 05/30/2012 11:02 AM
Subject: Fw: U.S. Ecology - Potential Subpart X Permit

Here is our understanding regarding various authorities:

MACT EEE COMPREHENSIVE PERFORMANCE TEST (CPT)

CPT Plan review		EPA/PD
Review of Test Results (Notice of Compliance; NOC)	EPA/PD	
Issue Finding of Compliance (FOC)		EPA/PD
RCRA Permit Conditions based on NOC, FOC and risk assessment	TCEQ/RCRA	

Subpart X risk assessment is conducted under RCRA (for which TCEQ is authorized). For US Ecology, this has to be discussed first with TCEQ. PD does not have expertise and resources to conduct RCRA risk assessment.

Kishor

----- Forwarded by Kishor Fruitwala/R6/USEPA/US on 05/30/2012 10:58 AM -----

From: Evan Pearson/R6/USEPA/US
To: Kishor Fruitwala/R6/USEPA/US@EPA, Harry Shah/R6/USEPA/US@EPA
Cc: Guy Tidmore/R6/USEPA/US@EPA, Eva Steele/R6/USEPA/US@EPA, Craig Lutz/R6/USEPA/US@EPA
Date: 05/30/2012 10:08 AM
Subject: U.S. Ecology - Potential Subpart X Permit

Although we have not yet communicated this to U.S. Ecology and TD*X, we are planning on negotiating a CAFO requiring a Subpart X permit for a reconfigured TDU so that non-condensable vent gases are routed to a thermal oxidizer unit (TOU) instead of the combustion chamber of the TDU. Thus, it will be similar to Rineco. We still plan on requiring compliance with Subpart EEE. My question is, does EPA, along with TCEQ, still approve the permit modification, or is TCEQ the sole permitting authority for a Subpart X permit?

FYI - also, our current plan is to require a risk burn and a site-specific risk assessment, but EPA will be the only entity approving the risk burn and risk assessment (Guy - please correct me if I misunderstood what you told me yesterday).

Evan L. Pearson
Senior Enforcement Counsel (6RC-ER)
RCRA Enforcement Branch
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U.S. EPA - Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Phone - (214) 665-8074
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Message

From: Susan Spalding [Spalding.Susan@epa.gov]
Sent: 5/9/2012 10:28:33 PM
To: Cummings, James [Cummings.James@epa.gov]
CC: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Re: TDX

Hi James -- I am really on the fringe of this issue which I presume is US Ecology. I will share your note with my combustion staff who may be consulted on this in the future. So far our Enforcement folks are in the lead. If you talked with John Blevins and Guy Tidmore you have the right R-6 contacts for the issue. Thanks

Susan Spalding
Associate Director, RCRA
Multimedia Planning and Permitting Division
EPA Region 6
phone 214.665.8022

From: James Cummings/DC/USEPA/US
To: Susan Spalding/R6/USEPA/US@EPA
Date: 05/09/2012 02:18 PM
Subject: TDX

Rumor has it that you may be 'in the loop' regarding the TDX 'situation'.

I received a call a week and a half or so ago from Carl Palmer of TDX. He called me because I go back to the very beginning of the indirect-fired, nitrogen-blanketed technology - I was an observer as the original XTRAX unit was being designed and built as the antithesis of a Subpart 'O' unit, and I was on site at WM's Kettleman Hills facility when the first pilot test was conducted. Subsequently I was involved in supporting its use in a hazardous waste site remediation context as being a (true) thermal desorber as distinct from a (cleverly disguised) incinerator. Carl seems to honestly believe that the quest for a Subpart O permit would be the death knell for his company. I checked in w/ Sonya Sasseville of ORCR to see when the last time anyone issued a Subpart O permit. She didn't have any visibility into that question.

I communicated with John Blevins whom I have known for a long time and traded msgs w/ a member of his staff. I also left a message for Guy Tidmore. . Sending you this message to identify myself as a resource if/as appropriate. Dodi Dodahara is also a HQ resource as he has issued permits for the technology as an 'alternative technology' for purposes of TSCA PCB permitting.

If nothing else, as noted above, having done the blood, sweat and tears thing to get these guys described accurately, curious to learn how we seem to have ended up back in the Subpart O contretemps. Although I have moved mostly from ex situ thermal to in situ thermal, I vividly recall that 'Back in the day' it was to some extent 'O or bust', but now we have alternatives in X (or AA) if for some reason the recycling exemption doesn't fit.

Regards/

Jim Cummings
Technology Assessment Branch/OSRTI/OSWER
USEPA (5102G)
1200 Pennsylvania Ave NW
Washington, DC 20460
703-603-7197

Message

From: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Sent: 5/30/2012 4:30:24 PM
To: Shah, Harry [shah.harry@epa.gov]
Subject: Fw: U.S. Ecology - Potential Subpart X Permit

FYI.

----- Forwarded by Kishor Fruitwala/R6/USEPA/US on 05/30/2012 11:30 AM -----

From: Susan Spalding/R6/USEPA/US
To: Kishor Fruitwala/R6/USEPA/US@EPA, Evan Pearson/R6/USEPA/US@EPA, Guy Tidmore/R6/USEPA/US@EPA
Date: 05/30/2012 11:07 AM
Subject: Re: Fw: U.S. Ecology - Potential Subpart X Permit

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Susan Spalding
Associate Director, RCRA
Multimedia Planning and Permitting Division
EPA Region 6
phone 214.665.8022

From: Kishor Fruitwala/R6/USEPA/US
To: Susan Spalding/R6/USEPA/US
Date: 05/30/2012 11:02 AM
Subject: Fw: U.S. Ecology - Potential Subpart X Permit

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Kishor

----- Forwarded by Kishor Fruitwala/R6/USEPA/US on 05/30/2012 10:58 AM -----

From: Evan Pearson/R6/USEPA/US
To: Kishor Fruitwala/R6/USEPA/US@EPA, Harry Shah/R6/USEPA/US@EPA
Cc: Guy Tidmore/R6/USEPA/US@EPA, Eva Steele/R6/USEPA/US@EPA, Craig Lutz/R6/USEPA/US@EPA
Date: 05/30/2012 10:08 AM

Subject: U.S. Ecology - Potential Subpart X Permit

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Message

From: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Sent: 5/30/2012 4:02:03 PM
To: Susan Spalding [Spalding.Susan@epa.gov]
Subject: Fw: U.S. Ecology - Potential Subpart X Permit

Here is our understanding regarding various authorities:

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Kishor

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To: Kishor Fruitwala/R6/USEPA/US@EPA, Harry Shah/R6/USEPA/US@EPA
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Message

From: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Sent: 1/12/2012 1:43:08 PM
To: Miller, Gary [Miller.Gary@epa.gov]; Shah, Harry [shah.harry@epa.gov]
Subject: Fw: US Ecology
Attachments: DIB0001; DIB0002

----- Forwarded by Kishor Fruitwala/R6/USEPA/US on 01/12/2012 07:42 AM -----

From: Susan Spalding/R6/USEPA/US
To: Mark Hansen/R6/USEPA/US@EPA, kishor fruitwala
Date: 01/11/2012 04:52 PM
Subject: US Ecology

FYI

Susan Spalding
Associate Director, RCRA
Multimedia Planning and Permitting Division
EPA Region 6
phone 214.665.8022

----- Forwarded by Susan Spalding/R6/USEPA/US on 01/11/2012 04:51 PM -----

From: Willie Kelley/R6/USEPA/US
To: Susan Spalding/R6/USEPA/US@EPA
Date: 01/09/2012 01:45 PM
Subject: Fw: Robstown residents join hands in fight over hazardous facility permit

Message

From: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Sent: 4/11/2012 6:12:21 PM
To: Susan Spalding [Spalding.Susan@epa.gov]
Subject: Re: Reynolds

U.S. Eco brought in seven people. No TCEQ. TDU may not be Subpart O incinerator (or Subpart X thermal treatment unit) if they put carbon unit on the system. In that case, PD will be out. Discussion continues.

Kishor

From: Susan Spalding/R6/USEPA/US
To: Kishor Fruitwala/R6/USEPA/US@EPA, "Bruce Jones" <Jones.Bruce@epamail.epa.gov>
Date: 04/11/2012 01:00 PM
Subject: Re: Reynolds

Great thanks. Sounds like us ecology was a really long call.
Susan Spalding, EPA Region 6
214.665.8022
Sent by EPA Wireless E-Mail Services

----- Original Message -----

From: Kishor Fruitwala
Sent: 04/11/2012 12:48 PM CDT
To: Susan Spalding
Subject: Re: Reynolds

Harry and I just came back from the U S Ecology meeting. He is working on the attachments for NOD and one AMA. The AMA will be prepared along the line of Ash Grove (detailed).

Kishor

From: Susan Spalding/R6/USEPA/US
To: kishor fruitwala, "Bruce Jones" <Jones.Bruce@epamail.epa.gov>
Date: 04/11/2012 09:42 AM
Subject: Reynolds

Kishor - did I miss the revised draft of the Reynolds letter?
Susan Spalding, EPA Region 6
214.665.8022
Sent by EPA Wireless E-Mail Services

Message

From: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Sent: 10/5/2012 4:15:18 PM
To: Susan Spalding [Spalding.Susan@epa.gov]
CC: Shah, Harry [shah.harry@epa.gov]
Subject: Re: US Ecology

Great news. Are Carl and Bill aware of PD's technical support to EN/ORC?

Kishor

From: Susan Spalding/R6/USEPA/US
To: Harry Shah/R6/USEPA/US@EPA, kishor fruitwala
Date: 10/05/2012 10:43 AM
Subject: US Ecology

FYI - from the Corpus Christi Caller.

Robstown toxic waste site agrees to EPA fine

By Mark Collette

Thursday, October 4, 2012

ROBSTOWN — Two toxic waste treatment companies agreed to a fine of more than \$788,000 for processing and storing waste without a permit at a facility in Robstown, the Environmental Protection Agency announced Thursday.

The agreement resolves three counts against US Ecology of Texas and TD*X Associates, the EPA said in a written statement.

The EPA statement did not specify when the violations occurred or what type of waste was processed without a permit at the facility on County Road 69, and EPA officials could not be reached for comment.

Company officials said the EPA claims arose because they differed with the EPA on their interpretation of federal law that describes what kind of waste is acceptable at the part of the site that takes material from oil refining processes.

Mark John, general manager of the Robstown facility for US Ecology, said the oil reclamation area accepts storage tank bottoms and a catalyst from petroleum refiners.

John said the EPA felt that some of the waste was unacceptable under law because it came from a petrochemical refining process rather than a petroleum refining process.

He said the situation arose because of a lack of clarity in the EPA rules on what qualifies as acceptable waste.

"The regulated entities have to interpret that as best they can," he said.

The settlement agreement spells out what can be accepted at the site from now on.

"We felt like we were in total compliance before, but if EPA interprets things differently, obviously we have to change the way we do things," John said.

US Ecology will pay \$165,000 of the fine, with the remainder to be paid by TD*X, John said.

In addition to the fine, the EPA agreement requires the companies to apply to the Texas Commission on Environmental Quality for a new permit.

The federal settlement comes as US Ecology is seeking state approval to expand capacity at the Robstown facility. The commission's executive director in November gave preliminary approval of the plan to increase uncovered landfill capacity to 4,000 cubic yards or about 810,000 gallons, continue operations in other parts of the 440-acre site and extend operating hours.

Some residents in the area want the commission to grant a hearing on the company's request, saying the company should be required to install equipment to monitor air quality around the plant. More than 60 people have requested a hearing in front of an administrative law judge, commission spokeswoman Andrea Morrow said.

The commission is scheduled to consider those requests Oct. 31.

Susan Spalding
Associate Director, RCRA
Multimedia Planning and Permitting Division
EPA Region 6
phone 214.665.8022

Message

From: Srinath Venkat [srinath.venkat@tceq.texas.gov]
Sent: 9/26/2013 7:15:08 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
CC: Tanveer Anjum [tanveer.anjum@tceq.texas.gov]; Eric Beller [eric.beller@tceq.texas.gov]
Subject: US Ecology Texas Inc. (Permit No. 50052)
Attachments: Permit_50052.pdf

Good Afternoon

Tanveer asked me to send you a copy of the approved RCRA permit for US Ecology Texas. I am attaching the permit. In addition to this permit, we do have pending Air and UIC permit applications.

The contact for pending Air permit is Ms. Ozden Tamer (Project Manager) in our Office of Air and her phone number is 512-239-4577. For UIC Permits Ms. Jan Bates is the project manager and her phone number is 512-239-6627.

We just received a Class 3 Permit modification for adding Thermal Desorber Unit (Miscellaneous Unit) and New waste water tanks pursuant to EPA Consent Decree and Final Agreement (CAFO). A copy of the application has also been sent to EPA Region VI Enforcement Branch.

If you have any question please do not hesitate to contact me.

Thanks
Sri

Srinath Venkat, P.E.
Industrial and Hazardous Waste Permits Section
Waste Permits Division
Texas Commission On Environmental Quality
(512) 239-6382
Srinath.venkat@tceq.texas.gov

Message

From: Fruitwala, Kishor [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A19009BA86A4236B97131D5D16F2FAE-FRUITWALA, KISHOR]
Sent: 9/26/2013 11:59:24 AM
To: Meyer, Linda [Meyer.Linda@epa.gov]
Subject: RE: Quick Turn Around Request - Indirect Fired Thermal Desorption Units

Thanks for reminding me. I will follow up.

Kishor

From: Meyer, Linda
Sent: Wednesday, September 25, 2013 7:09 PM
To: Fruitwala, Kishor
Subject: RE: Quick Turn Around Request - Indirect Fired Thermal Desorption Units

Hi Kishor – I am wondering how it is going getting these files for the thermal desorber? Thanks in advance for your assistance. I appreciate it. Linda.

Linda Meyer | RCRA Project Manager
U.S. Environmental Protection Agency | Region 10
1200 Sixth Ave, Suite 900 (AWT-121)
Seattle, WA 98103

(206) 553-6636
meyer.linda@epa.gov

From: Fruitwala, Kishor
Sent: Thursday, July 25, 2013 12:59 PM
To: Meyer, Linda
Subject: FW: Quick Turn Around Request - Indirect Fired Thermal Desorption Units

Linda:

We have one in R6.....US Ecology.

Kishor
214-665-6669

From: Abdul-Malik, Norma
Sent: Thursday, July 25, 2013 2:49 PM
To: Yee, Stephen; Brogard, John; Stein, Ellen; Palomino, Wilfredo; Gross, Gary; Chalmers, ray; Mahoney, Michael; Lee, Jae; Housley, Denise; Garver, Daniel; Shah, Harry; Kaleri, Cynthia; Arias, Jack; Fruitwala, Kishor; Landry, Larry; Carrillo, Michael; Yurk, Jeffrey; Ehrhart, Richard; Herstowski, Ken; Postma, Scott; Petruska, Anthony; Daly, Carl; Jacobson, Linda; Okubo, Noreen; Meyer, Linda; Lee, Chun; Lemieux, Paul; 'Reisman, David'; Katari, Vishnu; Mia, Marcia; Tisa, Kimberly; Haklar, James; Chin, Vivian; Olhasso, Alizabeth; Rice, Scott; Yussen, Craig; Aiyar, Raj; Summers, Mary; Greensley, Jean; Johnson, Steve; Roberts, Lou; Sales, James; Johnson, Kent; Tran, Francis; Le, Kim; Rollins, Christopher; Santos, Carmen; Galbraith, Michael; Gerhard, Sasha; Bartus, Dave; Knodel, Jon; Dahl, Donald; Riva, Steven; Chan, Suilin; morris, makeba; Worley, Gregg; Blakley, Pamela; Valenziano, Beth; Damico, Genevieve; Vagenas, Ginger; Hitte, Steve; Clibanoff, Andrew; Valdez, Heather; Marshall, Sarah; Gahris, Jeffery; Hall, Charles;

Leung, Chao; Garlow, Charlie; Majumder, Joydeb; Ceron, Leonardo; Gillam, Rick; Page, Lee; Smuts, MaryBeth; Ghaffari, Mozafar; Throwe, Scott; Lancey, Susan; Dholakia, Umesh; Parker-Christensen, Victoria; 'Painter, David'; hynum@adeq.state.ar.us; Jorge, Leida; carla_brown@deq.state.ms.us; Fanska, Bill; Galbraith, Michael; Gerhard, Sasha

Cc: Abdul-Malik, Norma; Hansen, Gail; Behan, Frank; Gerhard, Sasha; Galbraith, Michael; Meyer, Linda

Subject: Quick Turn Around Request - Indirect Fired Thermal Desorption Units

Hello Everyone -

I was asked to poll the states/regions to obtain examples of any permits for indirect fired thermal desorption units. If you have examples, please send them to Linda Meyer (see information below). Thank you in advance for your assistance.

Linda Meyer | RCRA Project Manager

U.S. Environmental Protection Agency | Region 10

1200 Sixth Ave, Suite 900 (AWT-121)

Seattle, WA 98103

(206) 553-6636

meyer.linda@epa.gov

Norma Abdul-Malik

ORCR, PIID, Permits Branch

Abdul-Malik.Norma@epamail.epa.gov

(703) 308-8753

(703) 308-0509 (Fax)

Message

From: Fruitwala, Kishor [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A19009BA86A4236B97131D5D16F2FAE-FRUITWALA, KISHOR]
Sent: 7/25/2013 7:58:35 PM
To: Meyer, Linda [Meyer.Linda@epa.gov]
Subject: FW: Quick Turn Around Request - Indirect Fired Thermal Desorption Units

Linda:

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Kishor
214-665-6669

From: Abdul-Malik, Norma
Sent: Thursday, July 25, 2013 2:49 PM
To: Yee, Stephen; Brogard, John; Stein, Ellen; Palomino, Wilfredo; Gross, Gary; Chalmers, ray; Mahoney, Michael; Lee, Jae; Housley, Denise; Garver, Daniel; Shah, Harry; Kaleri, Cynthia; Arias, Jack; Fruitwala, Kishor; Landry, Larry; Carrillo, Michael; Yurk, Jeffrey; Ehrhart, Richard; Herstowski, Ken; Postma, Scott; Petruska, Anthony; Daly, Carl; Jacobson, Linda; Okubo, Noreen; Meyer, Linda; Lee, Chun; Lemieux, Paul; 'Reisman, David'; Katari, Vishnu; Mia, Marcia; Tisa, Kimberly; Haklar, James; Chin, Vivian; Olhasso, Alizabeth; Rice, Scott; Yussen, Craig; Aiyar, Raj; Summers, Mary; Greensley, Jean; Johnson, Steve; Roberts, Lou; Sales, James; Johnson, Kent; Tran, Francis; Le, Kim; Rollins, Christopher; Santos, Carmen; Galbraith, Michael; Gerhard, Sasha; Bartus, Dave; Knodel, Jon; Dahl, Donald; Riva, Steven; Chan, Suilin; morris, makeba; Worley, Gregg; Blakley, Pamela; Valenziano, Beth; Damico, Genevieve; Vagenas, Ginger; Hitte, Steve; Clibanoff, Andrew; Valdez, Heather; Marshall, Sarah; Gahris, Jeffery; Hall, Charles; Leung, Chao; Garlow, Charlie; Majumder, Joydeb; Ceron, Leonardo; Gillam, Rick; Page, Lee; Smuts, MaryBeth; Ghaffari, Mozafar; Throwe, Scott; Lancey, Susan; Dholakia, Umesh; Parker-Christensen, Victoria; 'Painter, David'; hynum@adeq.state.ar.us; Jorge, Leida; carla_brown@deq.state.ms.us; Fanska, Bill; Galbraith, Michael; Gerhard, Sasha
Cc: Abdul-Malik, Norma; Hansen, Gail; Behan, Frank; Gerhard, Sasha; Galbraith, Michael; Meyer, Linda
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Abdul-Malik.Norma@epamail.epa.gov

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(703) 308-0509 (Fax)

Message

From: Fruitwala, Kishor [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A19009BA86A4236B97131D5D16F2FAE-FRUITWALA, KISHOR]
Sent: 11/15/2013 3:07:38 PM
To: Meyer, Linda [Meyer.Linda@epa.gov]
Subject: RE: Quick Turn Around Request - Indirect Fired Thermal Desorption Units
Attachments: US Ecology Permit_50052 (3).pdf

Linda:

I received RCRA permit but was waiting for Air permit. It has been more difficult.

In any case, I am sending you what I have, and will let you know as soon as I get Air permit.

I apologize for the delay.

Kishor'214-665-6669

From: Meyer, Linda
Sent: Wednesday, September 25, 2013 7:09 PM
To: Fruitwala, Kishor
Subject: RE: Quick Turn Around Request - Indirect Fired Thermal Desorption Units

Hi Kishor – I am wondering how it is going getting these files for the thermal desorber? Thanks in advance for your assistance. I appreciate it. Linda.

Linda Meyer | RCRA Project Manager
U.S. Environmental Protection Agency | Region 10
1200 Sixth Ave, Suite 900 (AWT-121)
Seattle, WA 98103

(206) 553-6636
meyer.linda@epa.gov

From: Fruitwala, Kishor
Sent: Thursday, July 25, 2013 12:59 PM
To: Meyer, Linda
Subject: FW: Quick Turn Around Request - Indirect Fired Thermal Desorption Units

Linda:

We have one in R6.....US Ecology.

Kishor
214-665-6669

From: Abdul-Malik, Norma

Sent: Thursday, July 25, 2013 2:49 PM

To: Yee, Stephen; Brogard, John; Stein, Ellen; Palomino, Wilfredo; Gross, Gary; Chalmers, ray; Mahoney, Michael; Lee, Jae; Housley, Denise; Garver, Daniel; Shah, Harry; Kaleri, Cynthia; Arias, Jack; Fruitwala, Kishor; Landry, Larry; Carrillo, Michael; Yurk, Jeffrey; Ehrhart, Richard; Herstowski, Ken; Postma, Scott; Petruska, Anthony; Daly, Carl; Jacobson, Linda; Okubo, Noreen; Meyer, Linda; Lee, Chun; Lemieux, Paul; 'Reisman, David'; Katari, Vishnu; Mia, Marcia; Tisa, Kimberly; Haklar, James; Chin, Vivian; Olhasso, Alizabeth; Rice, Scott; Yussen, Craig; Aiyar, Raj; Summers, Mary; Greensley, Jean; Johnson, Steve; Roberts, Lou; Sales, James; Johnson, Kent; Tran, Francis; Le, Kim; Rollins, Christopher; Santos, Carmen; Galbraith, Michael; Gerhard, Sasha; Bartus, Dave; Knodel, Jon; Dahl, Donald; Riva, Steven; Chan, Suilin; morris, makeba; Worley, Gregg; Blakley, Pamela; Valenziano, Beth; Damico, Genevieve; Vagenas, Ginger; Hitte, Steve; Clibanoff, Andrew; Valdez, Heather; Marshall, Sarah; Gahris, Jeffery; Hall, Charles; Leung, Chao; Garlow, Charlie; Majumder, Joydeb; Ceron, Leonardo; Gillam, Rick; Page, Lee; Smuts, MaryBeth; Ghaffari, Mozafar; Throwe, Scott; Lancey, Susan; Dholakia, Umesh; Parker-Christensen, Victoria; 'Painter, David'; hynum@adeq.state.ar.us; Jorge, Leida; carla_brown@deg.state.ms.us; Fanska, Bill; Galbraith, Michael; Gerhard, Sasha

Cc: Abdul-Malik, Norma; Hansen, Gail; Behan, Frank; Gerhard, Sasha; Galbraith, Michael; Meyer, Linda

Subject: Quick Turn Around Request - Indirect Fired Thermal Desorption Units

Hello Everyone -

I was asked to poll the states/regions to obtain examples of any permits for indirect fired thermal desorption units. If you have examples, please send them to Linda Meyer (see information below). Thank you in advance for your assistance.

Linda Meyer | RCRA Project Manager

U.S. Environmental Protection Agency | Region 10

1200 Sixth Ave, Suite 900 (AWT-121)

Seattle, WA 98103

(206) 553-6636

meyer.linda@epa.gov

Norma Abdul-Malik

ORCR, PIID, Permits Branch

Abdul-Malik.Norma@epamail.epa.gov

(703) 308-8753

(703) 308-0509 (Fax)

From: Axe, Al [aaxe@winstead.com]
Sent: 12/21/2016 3:33:32 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: FW: Thermaldyne Application to LDEQ for Solid Waste Permit
Attachments: Thermaldyne - Briefing Sheet (with attachments).pdf; Thermaldyne - Zoch Report.pdf

Kishor,

This is to follow up on the email I sent to you last Thursday, December 15, 2016, which is set out below. Pursuant to that email and the attached regulatory analysis and report from Bob Zoch, it is clear that Thermaldyne does not meet the requirements of the RCRA exclusion for oil-bearing secondary materials.

As you know, the question of whether Thermaldyne can qualify for the RCRA exclusion boils down to whether its proposed thermal desorption processing facility is a "petroleum refinery" under EPA's rules. The attached information explains why Thermaldyne's proposed facility is not a "petroleum refinery." However, in addition to the attached information, please note the following additional information received from Mr. Zoch:

- 1) The dictionary definition of a refinery is:

An industrial plant for purifying a crude substance such as petroleum, sugar, fat or ore.

Therefore, the definition of a refinery is dependent upon the type of crude substance processed. A petroleum refinery is an industrial plant for purifying crude petroleum.

- 2) The National Petroleum Refiners' Association ("NPRA"), the trade association for the petroleum refining industry, provides the following definition:

Petroleum refining is the process of separating the many compounds present in crude oil by boiling the crude at different temperatures and using advanced methods to further process the crude into products such as gasoline, diesel fuel and heating oil.

These definitions begin with a defined feedstock to the plant (crude petroleum), irrespective of the processes employed in the refinery. Even if a thermal desorption unit could be classified as a petroleum refining process (which it is not) the associated plant would not be considered a petroleum refinery unless it processed crude oil. For example, a plant exclusively processing refinery oily waste (which is not a crude substance, much less crude oil) cannot be a petroleum refinery.

It is clear that the proposed Thermaldyne facility is not a "petroleum refinery." Thermaldyne's own actions in initially classifying its facility as coming within SIC code 4953 demonstrates this fact. Please let me know if you have any questions about this matter. Thanks. Al

Albert R. Axe, Jr.

Winstead PC | 401 Congress Avenue | Suite 2100 | Austin, Texas 78701
512.370.2806 *direct* | 512.370.2850 *fax* | aaxe@winstead.com | www.winstead.com
profile link: <http://www.winstead.com/Attorneys/aaxe>

From: Axe, Al

Sent: Thursday, December 15, 2016 4:40 PM

To: 'fruitwala.kishor@epa.gov'

Subject: Thermaldyne Application to LDEQ for Solid Waste Permit

Hi Kishor,

This is to follow up on our recent telephone conference regarding the above-referenced matter. As mentioned during our call, I represent Chemical Waste Management, Inc.

I am attaching the following information relevant to Thermaldyne's pending application: (i) a regulatory analysis of the RCRA exclusion for oil-bearing secondary materials contained in 40 CFR 261.4(a)(12)(i) and the corresponding LDEQ rule, and (ii) a report prepared by Robert Zoch, PE regarding the differences between Thermaldyne's proposed thermal desorption waste processing operation and a petroleum refinery coming within SIC code 2911.

As you know, Thermaldyne originally filed for and obtained an air permit from LDEQ and filed its solid waste application, describing itself as a waste facility coming within SIC code 4953. Thermaldyne pursued its environmental authorizations under SIC code 4953 for a full year. Then, earlier this year, Thermaldyne requested its SIC code be changed to 2911, presumably so that it could take advantage of the solid waste exclusion for oil bearing secondary materials contained in 261.4(a)(12)(i). Interestingly, although it changed its SIC code, it did not change its proposed process. Thus, the same process which Thermaldyne had represented to the LDEQ for a year as coming within SIC code 4953 has suddenly become a petroleum refinery under SIC code 2911.

The attached Zoch report clearly explains the significant differences between a petroleum refinery and a thermal desorption process as Thermaldyne has proposed. Mr. Zoch has been extensively involved in the petroleum refining industry for over 40 years. He has also been actively involved in the regulation of petroleum refineries and related operations since before the adoption of the RCRA rules in 1980. His report makes it clear that Thermaldyne's proposed facility is not a petroleum refinery coming within SIC code 2911.

The attached regulatory analysis explains the history of 40 CFR 261.4(a)(12)(i). In particular, it discusses EPA's intent that the exclusion not apply to oil bearing secondary materials sent off-site to third party waste processors such as Thermaldyne. EPA guidance specifically describes desorption as waste processing. This type of waste processing can take place at the petroleum refinery that generates the secondary material without losing the waste exclusion. However, the waste processing may not occur at an off-site waste processing facility such as proposed by Thermaldyne.

I trust this is helpful to you in analyzing this issue. Please do not hesitate to call me if you have any questions. If I have not heard from earlier, I will call you next week to check in. Best, Al

Albert R. Axe, Jr.

Winstead PC | 401 Congress Avenue | Suite 2100 | Austin, Texas 78701
512.370.2806 *direct* | 512.370.2850 *fax* | aaxe@winstead.com | www.winstead.com
profile link: <http://www.winstead.com/Attorneys/aaxe>

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Message

From: Axe, Al [aaxe@winstead.com]
Sent: 12/15/2016 10:40:17 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Thermaldyne Application to LDEQ for Solid Waste Permit
Attachments: Thermaldyne - Briefing Sheet (with attachments).pdf; Thermaldyne - Zoch Report.pdf

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I trust this is helpful to you in analyzing this issue. Please do not hesitate to call me if you have any questions. If I have not heard from earlier, I will call you next week to check in. Best, Al

Albert R. Axe, Jr.

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profile link: <http://www.winstead.com/Attorneys/aaxe>

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ED_002427B_00001259-00001

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Message

From: Shah, Harry [Shah.Harry@epa.gov]
Sent: 4/13/2017 8:33:33 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: CAFO_4_20.docx
Attachments: CAFO_4_20.docx

Message

From: Shah, Harry [Shah.Harry@epa.gov]
Sent: 3/29/2017 6:56:40 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Commercial Facility Info 032917_Revised.docx
Attachments: Commercial Facility Info 032917_Revised.docx

Message

From: Luschek, Robert [Luschek.Robert@epa.gov]
Sent: 8/3/2017 9:21:42 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: FW: Chem Waste
Attachments: Oversight Chem Waste.doc; Chem Waste Permit Review - Ltr to LDEQ- 2017.docx

Attached are the updated documents. Sarah suggested sending it Mia Townsel at LDEQ.

It is up dated on this version.

Thanks!

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Luschek, Robert
Sent: Monday, July 31, 2017 2:52 PM
To: Fruitwala, Kishor <fruitwala.kishor@epa.gov>
Subject: Chem Waste

Hi Kishor,

Based on our discussion Thursday, I sent Shirley the SCOUT info for Chem Waste Mgt. So you have everything in one spot, attached here is the draft letter and oversight document. I'm still not sure who the appropriate recipient for the letter would be.

Also following is a short "blurb" with more detail than what was in SCOUT:

Region 6 RCRA Permits completed the review of the Modified Hazardous Waste Operating and Post-Closure Permit for the Chemical Waste Management, Inc, Lake Charles Facility in Carlyss (near Sulphur), Louisiana. Chem Waste Management requested a major permit modification to add two thermal desorption units, two oil recovery units and several tanks associated with these units. These units will process different oil-bearing and organic waste streams for recovery of oil products. The state successfully worked with the facility to ensure that when these units are installed, they will be operated in a manner protective of human health and the environment. The permit modification was reviewed by R6 RCRA staff to ensure permitting and procedural components were effectively followed. While permitted as miscellaneous units, the thermal desorption units will be subjected to MACT EEE requirements. The LDEQ worked with the Regional Office to ensure the new units would be operated as prescribed by previous communications from Region 6 specific to thermal desorption units located in Texas.

Please let me know if you have any additional questions, edits, comments, etc. Thanks!

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

Message

From: Luschek, Robert [Luschek.Robert@epa.gov]
Sent: 8/3/2017 8:18:45 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: FW: Chem Waste
Attachments: Chem Waste Permit Review - Ltr to LDEQ- 2017.docx; Oversight Chem Waste.doc

Hi Kishor,

All the info you just requested is below. Let me know if you need anything else from me on this.

Thanks!

Thanks!

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Luschek, Robert
Sent: Monday, July 31, 2017 2:52 PM
To: Fruitwala, Kishor <fruitwala.kishor@epa.gov>
Subject: Chem Waste

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Please let me know if you have any additional questions, edits, comments, etc. Thanks!

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148

luschek.robert@epa.gov

Message

From: enotice@tceq.texas.gov [enotice@tceq.texas.gov]
Sent: 1/31/2018 8:40:56 PM
To: enotice@tceq.texas.gov
Subject: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052
Attachments: Permit_50052.pdf; ATT00001.txt

This email is being sent to electronically transmit an official document issued by the Office of the Chief Clerk of the Texas Commission on Environmental Quality.

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Questions regarding this email may be submitted either by replying directly to this email or by calling the Office of the Chief Clerk at 512-239-3300.

The attached document is provided in an Adobe Acrobat .pdf format. If you cannot display the attachment, you may need to visit the Adobe web site (<http://get.adobe.com/reader>) to download the free Adobe Acrobat Reader software.

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Message

From: enotice@tceq.texas.gov [enotice@tceq.texas.gov]
Sent: 1/3/2018 3:13:33 PM
To: enotice@tceq.texas.gov
Subject: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052
Attachments: Permit_50052.pdf; ATT00001.txt

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Message

From: enotice@tceq.texas.gov [enotice@tceq.texas.gov]
Sent: 4/13/2017 7:28:24 PM
To: enotice@tceq.texas.gov
Subject: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052
Attachments: Modification_50052.pdf; ATT00001.txt

This email is being sent to electronically transmit an official document issued by the Office of the Chief Clerk of the Texas Commission on Environmental Quality.

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Message

From: enotice@tceq.texas.gov [enotice@tceq.texas.gov]
Sent: 12/16/2016 7:56:49 PM
To: enotice@tceq.texas.gov
Subject: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052
Attachments: Permit_50052.pdf; ATT00001.txt

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Message

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 12/3/2018 6:02:22 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Permit Integrity (PIT) Group for TDUs
Attachments: pit_issue_summary_tdu_7.pdf

Kishor,

Through our industry contacts we learned about an EPA initiative to provide review and guidance of the permit standards for TDUs. See the attached PIT issue summary statement from 2017.

The document lists you and Harry representing Region 6 in this review.

Can you tell me if the group ever met? Also, did any guidance or criteria result from that review?

The topics are very relevant to both the Thermalayne and Chemical Waste Management Northwest (Arlington, OR) facility permit actions (or actually variances and lack of permits).

Thanks, Carl

--

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

Message

From: Luschek, Robert [Luschek.Robert@epa.gov]
Sent: 6/26/2018 8:27:17 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: TDX/US Ecology Meeting at R6
Attachments: [Untitled].pdf

Attached is the sign in sheet. It was rotated when I scanned it, but still had all the attendee names.

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: 13-054-m5035 [mailto:13-054-m5035@domain.invalid]
Sent: Tuesday, June 26, 2018 3:23 PM
To: Luschek, Robert <Luschek.Robert@epa.gov>
Subject:

Message

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 6/7/2018 8:20:28 PM
To: deq.publicnotices@la.gov
CC: Luschek, Robert [Luschek.Robert@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Comments on Thermaldyne Draft Water Discharge Permit AI Number 198467, Permit Number LA0127307, Activity Number PER20180001
Attachments: TDX_Comments_Thermaldyne_Draft_LPDES_Permit.pdf

LDEQ Public Participation,

Please accept my comments on the subject draft variance. I have copied USEPA on my comments via this email.

Sincerely,
Carl Palmer

--

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

Message

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 6/7/2018 8:52:28 PM
To: Luschek, Robert [Luschek.Robert@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Re: Comments on Thermaldyne Draft Water Discharge Permit AI Number 198467, Permit Number LA0127307, Activity Number PER20180001

Kishor and Rob,
fyi, I submitted comments on Thermaldyne's LPDES Draft Water Discharge Permit.
that comment period closed today.

as part of our review, we took samples from Robstown while running petroleum refinery hazardous secondary material in our unit. our water treatment is essentially identical to what Thermaldyne proposes. however, we are required by our permit to manage the TDU wastewater as derived from RCRA waste. so it is deepwelled. we can't discharge it to a surface water. that is a good thing, because it is toxic to aquatic organisms. not suitable for surface water discharge without a much more extensive water treatment system. we weren't surprised by that result, because we know there are a lot of dissolved organics and inorganics in the water from the TDU that are not simple to remove. certainly would blow out carbon in a few hours.

thought you would find this review interesting. just another example of how Thermaldyne is trying to get approval for their unit under reduced monitoring and technology factors.

carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 6/7/2018 4:20 PM, Carl Palmer wrote:

> LDEQ Public Participation,
>
> Please accept my comments on the subject draft variance. I have
> copied USEPA on my comments via this email.
>
> Sincerely,
> Carl Palmer
>

Message

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 7/3/2018 9:34:53 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: RE: Louisiana Thermaldyne Draft Permit

I understand. Right after lunch Tuesday....
Carl

Sent from BlueMail

On Jul 3, 2018, at 4:51 PM, "Fruitwala, Kishor" <fruitwala.kishor@epa.gov> wrote:

Carl, this is not a good week with 4th July in middle of the week; people taking off. Can we do it next Tue afternoon?

Thanks

Kishor

From: Carl Palmer [mailto:cpalmer@tdxassociates.com]
Sent: Tuesday, July 03, 2018 1:07 PM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Subject: Re: Louisiana Thermaldyne Draft Permit

Kishor,
I checked with George. he's on a plane at 1 on thursday.
are you available after 4?
or any time Friday except 2-4?
carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 7/3/2018 1:21 PM, Carl Palmer wrote:

Kishor, thanks for the quick reply.
how does 1pm your time work on thursday. i have an hour open then.

i'll send an invite with GoToMeeting login so we can share screen with you.
carl

Carl R. Palmer, P.E.

TD*X Associates LP

(919) 349-1583 mobile

On 7/3/2018 11:45 AM, Fruitwala, Kishor wrote:

Carl,

Are you available on Thursday? I will also check with Rob Luschek and Harry Shah.

Thank you.

Kishor

Kishor Fruitwala, Ph.D.

Acting Associate Director for RCRA

Multimedia Division, EPA Region 6

214-665-6669

From: Carl Palmer [<mailto:cpalmer@tdxassociates.com>]

Sent: Monday, July 02, 2018 10:00 AM

To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>

Subject: Re: Louisiana Thermaldyne Draft Permit

Kishor,
can we have a technical call this week to discuss Thermaladyne?
i would like time with you, George and me to go over their process
quantitatively.
we are preparing H&M balances and emission estimates to clearly show how
their TDU will perform.
i think this will be very helpful to your review.

are you taking any time off for the Holiday?
what times are good for you for a call. Before end of the week would be nice.

carl

Carl R. Palmer, P.E.

TD*X Associates LP

(919) 349-1583 mobile

On 6/21/2018 2:18 PM, Fruitwala, Kishor wrote:

Thank you Kevin for your quick response.

Kishor

From: Kevin Matthews
[mailto:KMatthews@nationalstrategies.com]
Sent: Thursday, June 21, 2018 1:14 PM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Cc: gmevers@tdxassociates.com; cpalmer@tdxassociates.com;
JD Head <JHead@fbhg.law>; Brian Lindman
<Brian.Lindman@usecology.com>; Andrew Marshall
<andrew.marshall@usecology.com>
Subject: RE: Louisiana Thermaladyne Draft Permit

Thanks Kishor – we appreciate your assistance on arranging
this. Below is our proposed agenda and we welcome your
questions on it. In the meeting will be:

Carl Palmer and Gregg Meyers of TD*X

Brian Lindman, US Ecology

Kevin Matthews, Consultant to TD*X and US Ecology

Attending via phone:

JD Head, Outside Counsel to TD*X

George Hay, TD*X

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 - o Refineries pull centrifuge operations outside to exclude cake and wastewater from RCRA F037
- 8) Next Steps

From: Fruitwala, Kishor [<mailto:Fruitwala.Kishor@epa.gov>]

Sent: Thursday, June 21, 2018 1:19 PM

To: Kevin Matthews <KMatthews@nationalstrategies.com>
Cc: gmeyers@tdxassociates.com; cpalmer@tdxassociates.com
Subject: RE: Louisiana Thermalayne Draft Permit

Kevin, would you please send me the agenda topics for the next Tuesday's meeting as soon as possible. Our Division Director, Wren Stenger, is likely to attend the meeting.

Thank you.

Kishor

From: Kevin Matthews
[<mailto:KMatthews@nationalstrategies.com>]
Sent: Wednesday, June 20, 2018 3:00 PM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Cc: gmeyers@tdxassociates.com; cpalmer@tdxassociates.com
Subject: Re: Louisiana Thermalayne Draft Permit

Kishor you had originally indicated Tuesday or Wednesday as the options. Are they still available as we'd prefer Tuesday

Kevin L. Matthews

NSI

(202) 349-7010

On Jun 20, 2018, at 9:30 AM, Fruitwala, Kishor
<Fruitwala.Kishor@epa.gov> wrote:

<mime-attachment.ics>

Message

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 5/8/2018 3:35:38 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
CC: Luschek, Robert [Luschek.Robert@epa.gov]
Subject: Re: Thermaldyne Variance from DSW

Dr. Fruitwala,

Seems like Thermaldyne is trying everything except what is right (i.e. getting a RCRA permit for their TDU). Waste Management worked for about three years to get a Part B mod from LDEQ for their new TDUs at Lake Charles. Hard to believe that the same agency is ready to grant this variance.

I would really appreciate some time to talk this over with you. I am open at 1:30 Central time today, and all day tomorrow. I might invite Andy Marshall too. You might remember him. He is the US Ecology engineer responsible for their corporate Environmental Department. Intimately familiar with the RCRA permit for our TDU in Robstown.

Looking forward to talking to you.

carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 5/7/2018 1:45 PM, Luschek, Robert wrote:

Hi Carl,

I talked with my supervisor (Kishor Fruitwala) and he is aware of your concerns. If you would like to talk to him to discuss this proposed action by the state he can be reached at 214-665-6669. He is also copied on this email and you can send any additional info to the 2 of us. Unfortunately...we aren't going to be able to get a conference call put together in a timeframe that works for both of us.

Thanks!

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Carl Palmer [<mailto:cpalmer@tdxassociates.com>]
Sent: Monday, May 07, 2018 9:32 AM
To: Luschek, Robert <Luschek.Robert@epa.gov>
Subject: Re: Thermaldyne Variance from DSW

Rob,
if you're having trouble getting all your folks back together, can we still do a call tomorrow with at least you and any others that are available. the comment period ends May 21, and that is fast approaching.

i am wide open for any time tomorrow that works for you.

i have a TSCA/RCRA demo test on our Utah mixed waste thermal desorber next week, so i will be doing my LDEQ comment letter this coming weekend. would be nice to have a discussion with you before i start that drafting.

carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 5/3/2018 4:11 PM, Luschek, Robert wrote:

Hi Carl,

Thanks for the additional info, I am going to continue to forward it on to our group. We currently have another internal call to discuss everything and we are scheduling a call with LDEQ to discuss things with them.

Just to make sure you are aware, they are an authorized state for this part of the RCRA regulations, so please do not forget to submit your comments to them prior to the end of the public comment period.

Thanks!

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

Message

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 7/3/2018 6:06:34 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Re: Louisiana Thermaldehyde Draft Permit

Kishor,
I checked with George. he's on a plane at 1 on thursday.
are you available after 4?
or any time Friday except 2-4?
carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 7/3/2018 1:21 PM, Carl Palmer wrote:

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i'll send an invite with GoToMeeting login so we can share screen with you.
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Are you available on Thursday? I will also check with Rob Luschek and Harry Shah.

Thank you.

Kishor

Kishor Fruitwala, Ph.D.
Acting Associate Director for RCRA
Multimedia Division, EPA Region 6
214-665-6669

From: Carl Palmer [mailto:cpalmer@tdxassociates.com]
Sent: Monday, July 02, 2018 10:00 AM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Subject: Re: Louisiana Thermaldehyde Draft Permit

Kishor,
can we have a technical call this week to discuss Thermalaldyne?
i would like time with you, George and me to go over their process quantitatively.
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i think this will be very helpful to your review.

are you taking any time off for the Holiday?
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TD*X Associates LP
(919) 349-1583 mobile

On 6/21/2018 2:18 PM, Fruitwala, Kishor wrote:

Thank you Kevin for your quick response.

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Sent: Thursday, June 21, 2018 1:14 PM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Cc: gmyers@tdxassociates.com; cpalmer@tdxassociates.com; JD Head <JHead@fbhg.law>; Brian Lindman <Brian.Lindman@usecology.com>; Andrew Marshall <andrew.marshall@usecology.com>
Subject: RE: Louisiana Thermalaldyne Draft Permit

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Brian Lindman, US Ecology
Kevin Matthews, Consultant to TD*X and US Ecology

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Sent: Thursday, June 21, 2018 1:19 PM
To: Kevin Matthews <KMatthews@nationalstrategies.com>
Cc: gmeyers@tdxassociates.com; cpalmer@tdxassociates.com
Subject: RE: Louisiana Thermalayne Draft Permit

Kevin, would you please send me the agenda topics for the next Tuesday's meeting as soon as possible. Our Division Director, Wren Stenger, is likely to attend the meeting.

Thank you.

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Sent: Wednesday, June 20, 2018 3:00 PM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Cc: gmeyers@tdxassociates.com; cpalmer@tdxassociates.com
Subject: Re: Louisiana Thermalayne Draft Permit

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Kevin L. Matthews
NSI
(202) 349-7010

On Jun 20, 2018, at 9:30 AM, Fruitwala, Kishor
<Fruitwala.Kishor@epa.gov> wrote:

<mime-attachment.ics>

Message

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 7/3/2018 5:21:05 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Re: Louisiana Thermalaldyne Draft Permit

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To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>

Cc: gmeyers@tdxassociates.com; cpalmer@tdxassociates.com; JD Head <JHead@fbhg.law>; Brian Lindman <Brian.Lindman@usecology.com>; Andrew Marshall <andrew.marshall@usecology.com>

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<mime-attachment.ics>

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From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 7/30/2018 8:49:54 PM
To: deq.publicnotices@la.gov
CC: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Young, Jessica [Young.Jessica@epa.gov]; Atagi, Tracy [Atagi.Tracy@epa.gov]
Subject: Volume 2, Comments on Thermaldyne Draft VRF Variance - AI Number 198467, Activity Number PER20170003
Attachments: Thermaldyne_TDU_Draft_VRF_Variance_Comments Volume 2.pdf

LDEQ Public Participation,

Please accept my comments on the subject draft variance. I have copied USEPA on my comments via this email.

Please note that the original comments in a locked pdf file have been hand delivered on a memory stick to Tommie Milam at 3:25PM today, local time.

Because of the 15mb file size limitation, this submission will be sent in three emails. This is the second one.

The full document download is available as a locked pdf file from the following internet link:

<https://tdxassociates.egnyte.com/dl/LQd1eDT0R1>

We will maintain the file at that link location without any changes for your use and reference in the future.

Sincerely,
Carl Palmer

--

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

Message

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 7/2/2018 2:59:52 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Re: Louisiana Thermalaldyne Draft Permit

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Kevin L. Matthews
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(202) 349-7010

On Jun 20, 2018, at 9:30 AM, Fruitwala, Kishor <Fruitwala.Kishor@epa.gov> wrote:

<mime-attachment.ics>

Message

From: Atagi, Tracy [Atagi.Tracy@epa.gov]
Sent: 4/7/2017 4:04:30 PM
To: Spalding, Susan [Spalding.Susan@epa.gov]
CC: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Young, Jessica [Young.Jessica@epa.gov]
Subject: Re: Thermaldyne

I just realized i hadn't heard back from you about whether you want to call in to ORCR's upcoming meeting (4/11) with US Ecology where they want to talk to us about their concerns with Thermaldyne. I'll go ahead and add you both and you can forward as needed. Thanks!

From: Atagi, Tracy
Sent: Wednesday, March 22, 2017 2:33 PM
To: Spalding, Susan
Subject: Re: Thermaldyne
Hi Susan -

We've gotten a request from US Ecology/TDX to meet with us to discuss Thermaldyne. They've heard about the possible verified recycler variance petition and want to share their concerns. It's scheduled for April 11 at 2:00 pm ET. It's planned as a listening-only meeting Do you all want to be patched in by phone, and if so, who should I include on the invitation? Thanks!

Tracy

From: Spalding, Susan
Sent: Wednesday, March 15, 2017 4:52 PM
To: Atagi, Tracy
Subject: RE: Thermaldyne
Thank you!
Susan Spalding, Associate Director
Hazardous Waste Branch
EPA Region 6
(214) 665-8022

From: Atagi, Tracy
Sent: Wednesday, March 15, 2017 3:50 PM
To: Spalding, Susan
Cc: Elliott, Ross
Subject: Re: Thermaldyne
That should work.

From: Spalding, Susan
Sent: Wednesday, March 15, 2017 4:47 PM
To: Atagi, Tracy
Cc: Elliott, Ross
Subject: RE: Thermaldyne

Is 11:30 your time workable?
Susan Spalding, Associate Director
Hazardous Waste Branch
EPA Region 6
(214) 665-8022

From: Atagi, Tracy
Sent: Wednesday, March 15, 2017 3:45 PM
To: Spalding, Susan <Spalding.Susan@epa.gov>
Cc: Elliott, Ross <Elliott.Ross@epa.gov>
Subject: Re: Thermaldyne
Hi Susan - ORCR has a conflict Thursday afternoon. Can the meeting be moved to the morning, or to Friday?

From: Spalding, Susan
Sent: Wednesday, March 15, 2017 4:06 PM
To: Spalding, Susan; Peace, Michelle; Fruitwala, Kishor; Lushek, Robert; Shah, Harry; Jones, Bruce; Atagi, Tracy; Elliott, Ross
Subject: Thermaldyne
When: Thursday, March 16, 2017 2:30 PM-3:30 PM.
Where: Susan's Office
Call to discuss any concerns with the VRE option for Thermaldyne
866.299.3188
Code 214.665.8022

Appointment

From: Atagi, Tracy [Atagi.Tracy@epa.gov]
Sent: 4/7/2017 4:07:25 PM
To: Spalding, Susan [Spalding.Susan@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Meeting with US Ecology/TD*X on possible Thermaldyne variance
Location: DCRoomPYS6100Projector/DC-Potomac-Yard-South-ORCR
Start: 4/11/2017 6:00:00 PM
End: 4/11/2017 7:00:00 PM
Show Time As: Tentative

Recurrence: (none)

Call I n1-866-299-3188 703.308.8672#

Message

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 5/16/2018 1:20:17 PM
To: deq.publicnotices@la.gov
CC: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]
Subject: Comments on Thermaldyne Draft Feedstock Variance - AI Number 198467, Activity Number PER20170004
Attachments: Thermaldyne_Draft_Feedstock_Variance_TDX_Comments.pdf

LDEQ Public Participation,

Please accept my comments on the subject draft variance. I have copied USEPA on my comments via this email.

Sincerely,
Carl Palmer

--

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

Message

From: Anderson, David [Anderson.David@epa.gov]
Sent: 7/24/2017 7:05:28 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: RE: Thermal Desorption Unit

Safety-Kleen in Denton (TXD067703371) has both a thermal processing system unit and a distillation/solvent recovery unit under a process code of X99

David Anderson
U.S. Environmental Protection Agency
Hazardous Waste Branch
RCRA Permits - 6MM-RP
Phone: 214-665-6512
e-mail: anderson.david@epa.gov

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From: Fruitwala, Kishor
Sent: Friday, July 21, 2017 10:20 AM
To: Shah, Harry <Shah.Harry@epa.gov>; Anderson, David <Anderson.David@epa.gov>; Landry, Larry <Landry.Larry@epa.gov>; Luschek, Robert <Luschek.Robert@epa.gov>; Sales, James <sales.james@epa.gov>
Subject: RE: Thermal Desorption Unit

I may be mixing up. There is one AR facility/unit for which we had discussion with Tammie.

Kishor

From: Shah, Harry
Sent: Friday, July 21, 2017 10:10 AM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>; Anderson, David <Anderson.David@epa.gov>; Landry, Larry <Landry.Larry@epa.gov>; Luschek, Robert <Luschek.Robert@epa.gov>; Sales, James <sales.james@epa.gov>
Subject: RE: Thermal Desorption Unit

Future Fuel – Does not have a TDU.

TDX/US Ecology (Robstown, TX)	Indirect Thermal Desorption unit
Rineco (Benton, AR) - CLOSED	Thermal Metal Wash unit
Philips66 (Borger, TX)	Thermal Desorption unit

From: Fruitwala, Kishor
Sent: Friday, July 21, 2017 8:28 AM
To: Anderson, David <Anderson.David@epa.gov>; Landry, Larry <Landry.Larry@epa.gov>; Luschek, Robert <Luschek.Robert@epa.gov>; Sales, James <sales.james@epa.gov>; Shah, Harry <Shah.Harry@epa.gov>
Subject: Thermal Desorption Unit

Good Morning.

Please let me know by next Tue if you are aware of any facility with Thermal Desorption unit (Subtitle C permitted or not permitted), and in operation or proposed. Please do not contact states to get info. I just need the name of the facility, city/state and the type of unit. The info will be fed into a national database. Some that come to mind are:

Thermaldyne and Chem Waste in LA

US Ecology and Phillips 66 in TX

Future Fuels AR

Other????

Thanks

Kishor

Message

From: Anderson, David [Anderson.David@epa.gov]
Sent: 7/24/2017 1:27:14 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: RE: Thermal Desorption Unit

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David Anderson
U.S. Environmental Protection Agency
Hazardous Waste Branch
RCRA Permits - 6MM-RP
Phone: 214-665-6512
e-mail: anderson.david@epa.gov

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To: Shah, Harry <Shah.Harry@epa.gov>; Anderson, David <Anderson.David@epa.gov>; Landry, Larry <Landry.Larry@epa.gov>; Luschek, Robert <Luschek.Robert@epa.gov>; Sales, James <sales.james@epa.gov>
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US Ecology and Phillips 66 in TX

Future Fuels AR

Other????

Thanks

Kishor

Message

From: Atagi, Tracy [Atagi.Tracy@epa.gov]
Sent: 11/15/2018 4:16:45 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
CC: Young, Jessica [Young.Jessica@epa.gov]
Subject: FYI - TDX control
Attachments: TDX TDU transfer-based 11-15-18.docx; Incoming DSW_variance_for_TDU_EPA-HQ_2018Sept.pdf

FYI.

Hi Kishor - I wanted to give you a heads up that we are responding to a control from TD*X about whether TDU systems are eligible for the transfer-based exclusion. See attached draft response, which is currently with Barnes Johnson. They don't mention Thermaladyne by name but presumably that is what they are concerned with. I'll forward you the final response when it is signed - let me know if you have any questions.

Message

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 10/5/2018 9:06:34 PM
To: Patterson, Alima [Patterson.Alima@epa.gov]
CC: Stenger, Wren [stenger.wren@epa.gov]; Harrison, Ben [Harrison.Ben@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Johnson, Barnes [Johnson.Barnes@epa.gov]; Elliott, Ross [Elliott.Ross@epa.gov]; Young, Jessica [Young.Jessica@epa.gov]; Atagi, Tracy [Atagi.Tracy@epa.gov]
Subject: TDX Comments submitted on Louisiana program authorization
Attachments: EPA-R6_LDEQ-RCRA-program-authorization2018_TDX_Comments.pdf

Ms. Patterson,
I wanted to let you know that TD*X submitted comments on the LDEQ RCRA program authorization earlier today.
Attached is the main comment letter.

I am working to repair a link that allows the downloading of the full letter with its Enclosure. The Enclosure is quite long, and larger than 30 MB. That is why I have provided the download link. I have verified that for the Enclosure itself, which also has a download link provided on page 5 of our comments, that it's full document download link does work. So all recipients may simply want to download that file as the Enclosure to our comments.

I was required to break the comment file up into five separate comment uploads on the EPA online upload site.
Please let me know if you have any difficulty with retrieving our comments. They are significant, and we very much want EPA to have full access to the material that was provided.

thank you,
Carl Palmer

--

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

Message

From: Eby, Elaine [Eby.Elaine@epa.gov]
Sent: 9/17/2018 6:38:29 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Blevins, John [Blevins.John@epa.gov]
Subject: FW: Photos of CWM-Kettleman Hills treatment of hazardous debris
Attachments: image2018-09-17-142457.pdf

Attached please find several photos of CWM's treatment for hazardous debris. On the last page is part of a RCRA on-line letter which supports this type of treatment as meeting the debris treatment standard. The entire letter is in RCRA online.

Here is another letter that supports this technology but note that grout needs to be added.

[https://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/1D3C10C0F475C4698525670F006C0CFC/\\$file/13655.pdf](https://yosemite.epa.gov/osw/rcra.nsf/0c994248c239947e85256d090071175f/1D3C10C0F475C4698525670F006C0CFC/$file/13655.pdf)

Hope this helps,
Elaine

From: VA-PYS-6251A-M@EPA.GOV [mailto:VA-PYS-6251A-M@EPA.GOV]
Sent: Monday, September 17, 2018 2:25 PM
To: Eby, Elaine <Eby.Elaine@epa.gov>
Subject:

Message

From: enotice@tceq.texas.gov [enotice@tceq.texas.gov]
Sent: 4/25/2018 6:35:24 PM
To: enotice@tceq.texas.gov
Subject: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052
Attachments: Permit_50052.pdf; ATT00001.txt

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Questions regarding this email may be submitted either by replying directly to this email or by calling the Office of the Chief Clerk at 512-239-3300.

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Message

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 12/4/2018 8:09:05 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Re: FW: Permit Integrity (PIT) Group for TDUs

Kishor,
So did your group meet (or conference call) and discuss the TDU permit issues?
Then, make some conclusions that are now being considered by EPA's senior management?
I appreciate that work-in-progress can take time. Just curious what step you are at.
carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 12/4/2018 1:54 PM, Fruitwala, Kishor wrote:

> Carl,
>
> TDU was one of the issues identified by the Permit Integrity Team (PIT) as an important national issue. I am a member of PIT. The issue is now elevated for further consideration by EPA's senior management. In that sense, this is work-in-progress.
>
> Thanks
>
> Kishor
>
>
> -----Original Message-----
> From: Carl Palmer <cpalmer@tdxassociates.com>
> Sent: Monday, December 03, 2018 12:02 PM
> To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
> Subject: Permit Integrity (PIT) Group for TDUs
>
> Kishor,
>
> Through our industry contacts we learned about an EPA initiative to provide review and guidance of the permit standards for TDUs. See the attached PIT issue summary statement from 2017.
>
> The document lists you and Harry representing Region 6 in this review.
>
> Can you tell me if the group ever met? Also, did any guidance or criteria result from that review?
>
> The topics are very relevant to both the Thermalayne and Chemical Waste Management Northwest (Arlington, OR) facility permit actions (or actually variances and lack of permits).
>
> Thanks, Carl
>
>
>

Message

From: Fruitwala, Kishor [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A19009BA86A4236B97131D5D16F2FAE-FRUITWALA, KISHOR]
Sent: 4/4/2018 12:40:01 PM
To: Harry Shah [Shah.Harry@epa.gov]
Subject: FW: PDF Reader File - IHW 50052 - 2018_04_03_USET-50052-CDTPlan-NOD-final.pdf
Attachments: 2018_04_03_USET-50052-CDTPlan-NOD-final.pdf

From: Vernon Effenberger [mailto:Vernon.Effenberger@tceq.texas.gov]
Sent: Tuesday, April 03, 2018 4:34 PM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>; Michelle Phillips <michelle.phillips@tceq.texas.gov>; Michael Cheek <Michael.Cheek@Tceq.Texas.Gov>; marites.johnston_tceq.texas.gov <marites.johnston@tceq.texas.gov>; will.wyman_tceq.texas.gov <will.wyman@tceq.texas.gov>; Billy Spiller <billy.spiller@tceq.texas.gov>; DataEntry-WPD <DataEntry-WPD@tceq.texas.gov>
Subject: PDF Reader File - IHW 50052 - 2018_04_03_USET-50052-CDTPlan-NOD-final.pdf

Attached for your records. Thank you.

Vernon Effenberger

Message

From: Fruitwala, Kishor [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A19009BA86A4236B97131D5D16F2FAE-FRUITWALA, KISHOR]
Sent: 4/25/2018 7:31:27 PM
To: Harry Shah [Shah.Harry@epa.gov]
Subject: FW: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052
Attachments: Permit_50052.pdf; ATT00001.txt

-----Original Message-----

From: enotice@tceq.texas.gov [mailto:enotice@tceq.texas.gov]
Sent: Wednesday, April 25, 2018 1:35 PM
To: enotice@tceq.texas.gov
Subject: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052

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Message

From: Fruitwala, Kishor [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A19009BA86A4236B97131D5D16F2FAE-FRUITWALA, KISHOR]
Sent: 2/1/2018 1:08:49 PM
To: Harry Shah [Shah.Harry@epa.gov]
Subject: FW: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052
Attachments: Permit_50052.pdf; ATT00001.txt

-----Original Message-----

From: enotice@tceq.texas.gov [mailto:enotice@tceq.texas.gov]
Sent: Wednesday, January 31, 2018 2:41 PM
To: enotice@tceq.texas.gov
Subject: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052

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Message

From: Fruitwala, Kishor [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A19009BA86A4236B97131D5D16F2FAE-FRUITWALA, KISHOR]
Sent: 1/4/2018 12:56:41 PM
To: Harry Shah [Shah.Harry@epa.gov]
Subject: FW: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052
Attachments: Permit_50052.pdf; ATT00001.txt

-----Original Message-----

From: enotice@tceq.texas.gov [mailto:enotice@tceq.texas.gov]
Sent: Wednesday, January 03, 2018 9:14 AM
To: enotice@tceq.texas.gov
Subject: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052

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Sent: 3/16/2017 7:57:10 PM
To: RETALLICK, PHILLIP G [retallick.phillip@cleanharbors.com]
Subject: RE: USEcology Robstown Texas Sub-Part X Permit

Hello Phil,

So that we can have a productive discussion, please let me know specific questions you might have. Also, I may ask TCEQ to join the call since they have issued the permit.

Thanks

Kishor
214-665-6669

-----Original Message-----

From: RETALLICK, PHILLIP G [mailto:retallick.phillip@cleanharbors.com]
Sent: Wednesday, March 15, 2017 4:20 PM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Subject: USEcology Robstown Texas Sub-Part X Permit

Hi Kishor,

Could I please have a chat with you concerning the Robstown Permit? It would be sincerely appreciated!

Regards

Phil

Phillip G. Retallick
Senior Vice President, Compliance and Regulatory Affairs Clean Harbors Environmental Services, Inc
retallick.phillip@cleanharbors.com
Office: 803-520-2929
Cell: 803-600-5305
www.cleanharbors.com

Message

From: Fruitwala, Kishor [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A19009BA86A4236B97131D5D16F2FAE-FRUITWALA, KISHOR]
Sent: 3/16/2017 2:11:37 PM
To: Susan Spalding [Spalding.Susan@epa.gov]
Subject: FW: USEcology Robstown Texas Sub-Part X Permit

I have not called him.

Kishor

-----Original Message-----

From: RETALLICK, PHILLIP G [mailto:retallick.phillip@cleanharbors.com]
Sent: Wednesday, March 15, 2017 4:20 PM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Subject: USEcology Robstown Texas Sub-Part X Permit

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Regards

Phil

Phillip G. Retallick
Senior Vice President, Compliance and Regulatory Affairs Clean Harbors Environmental Services, Inc
retallick.phillip@cleanharbors.com
Office: 803-520-2929
Cell: 803-600-5305
www.cleanharbors.com

Message

From: Fruitwala, Kishor [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A19009BA86A4236B97131D5D16F2FAE-FRUITWALA, KISHOR]
Sent: 4/14/2017 11:33:44 AM
To: Harry Shah [Shah.Harry@epa.gov]
Subject: FW: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052
Attachments: Modification_50052.pdf; ATT00001.txt

-----Original Message-----

From: enotice@tceq.texas.gov [mailto:enotice@tceq.texas.gov]
Sent: Thursday, April 13, 2017 2:28 PM
To: enotice@tceq.texas.gov
Subject: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052

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This email is being sent to you because either (a) you filed a document with the Office of the Chief Clerk that made you part of the official mailing list for the above referenced matter, or (b) notice to you is legally required. As authorized by Texas Water Code 5.128, this electronic transmittal is replacing the previous practice of hard copy distribution. Amendments to Texas Government Code 552.137 prompted a change to the agency's privacy policy regarding confidentiality of certain email addresses. The revised privacy policy can be viewed at http://www.tceq.texas.gov/help/policies/electronic_info_policy.html.

Questions regarding this email may be submitted either by replying directly to this email or by calling the Office of the Chief Clerk at 512-239-3300.

The attached document is provided in an Adobe Acrobat .pdf format. If you cannot display the attachment, you may need to visit the Adobe web site (<http://get.adobe.com/reader>) to download the free Adobe Acrobat Reader software.

Message

From: Fruitwala, Kishor [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A19009BA86A4236B97131D5D16F2FAE-FRUITWALA, KISHOR]
Sent: 11/28/2018 4:42:17 PM
To: Potts, Mark [Potts.Mark@epa.gov]; Jones, Bruced [Jones.Bruced@epa.gov]; Przyborski, Jay [Przyborski.Jay@epa.gov]; Melissa Smith [Smith.Melissa@epa.gov]; Harry Shah [Shah.Harry@epa.gov]; Peace, Michelle [Peace.Michelle@epa.gov]
Subject: Chem Waste Management - LA and TDU
Attachments: Chem Waste LA and TDU.pdf

Please see the last two pages of the CWM notification to LDEQ. It is about VRE and TDU. Please let me know if there is any cause for concern.

Thank you.

Kishor
X6669

Message

From: Nora Lane [Nora.Lane@LA.GOV]
Sent: 8/10/2018 1:16:21 PM
To: Luschek, Robert [Luschek.Robert@epa.gov]
Subject: RE: Thermaldyne VRF Public Notice - 82 pages, 37 commenters

Rob, I think you are guessing correctly.

DEQ has not scheduled a PH for the VRF, but when it is scheduled, I will let you know.

These decisions are not made by myself, so if there are deeper questions, then I refer you to our upper administrative staff.

Thanks again,

Nora

From: Luschek, Robert <Luschek.Robert@epa.gov>
Sent: Friday, August 10, 2018 8:04 AM
To: Nora Lane <Nora.Lane@LA.GOV>
Subject: RE: Thermaldyne VRF Public Notice - 82 pages, 37 commenters

So...I'm guessing you'll end up having a public hearing on the VRF Variance but it's not scheduled yet?

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Nora Lane [<mailto:Nora.Lane@LA.GOV>]
Sent: Friday, August 10, 2018 7:42 AM
To: Luschek, Robert <Luschek.Robert@epa.gov>
Subject: RE: Thermaldyne VRF Public Notice - 82 pages, 37 commenters

Good morning Rob,

Yes, for the 'feedstock/standard site specific variance': it will be held on **September 20, 2018 at the West Baton Rouge Parish Council, 880 N Alexander Avenue, Port Allen, Louisiana.**

I can send you more details when I receive them, such as the time it is being held.

This action, the 'feedstock/standard site specific variance' was on public notice from April 19 – May 21, 2018, then extended to July 23, 2018, and is now extended again to Sept 20, 2018. We received 5 public comments and no requests for public hearing on this action.

This public hearing is NOT for the VRF Variance for which we received 38 public comments; 36 of the commenters on the VRF Variance requested a public hearing.

Let me know if you need any additional information,

Thanks, and have a great Friday

Nora Lane
Waste Permits Division
225-219-3422

From: Luschek, Robert <Luschek.Robert@epa.gov>
Sent: Friday, August 10, 2018 6:58 AM
To: Nora Lane <Nora.Lane@LA.GOV>
Subject: RE: Thermalaldyne VRF Public Notice - 82 pages, 37 commenters

Hi Nora,

Does it look like you'll have to do a Public Hearing based on the comments that you have received? If so, any idea when that might be scheduled for?

Thanks!

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Nora Lane [<mailto:Nora.Lane@LA.GOV>]
Sent: Thursday, August 02, 2018 7:21 AM
To: Luschek, Robert <Luschek.Robert@epa.gov>
Cc: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>; robert.thomas@la.gov
Subject: RE: Thermalaldyne VRF Public Notice - 82 pages, 37 commenters

Good morning Rob, Kishor,

I'm not sure how accurate it is to count "Pages" rather than the # of unique individuals commenting, at this time. Once we go through the comments, we will group them and then can tell you how many comments in total.

Nonetheless,

We received 37 public comments on the VRE Draft Decision for Thermalaldyne, as individual unique commenters. 30 commenters sent identical one page form letters, and 7 unique commenters sent unique text in their own submittals:

The total pages of comments from all 37 commenters = 82.

As follows:

- 30 public comments were 1 page form letters generated by citizens shepherded by the Goings Group, the consultant for an out-of-state competitor, TDX/US Ecology.
- 3 LA State Representatives commented, each 1 page.
- 1 WBR Parish President commented, 1 page (In favor of the facility)
- 1 LEAN comment- 2.5 pages

- 1 Chem Waste comment, who is an in-state competitor, 3.5 pages
- 1 TDX/US Ecology comment, who is an out-of-state competitor – 42 pages (although the submittal itself 30 MB, and may contain numerous 'pages' it is one commenter, 42 pages contain his comment(s), and the rest of the pages in his submittal are reference materials and other documents in attachments).

Counting the # of pages is very misleading, since the # of unique comments will be tallied up. Counting # of pages represents 500+ times the number of actual comments received.

Let me know if you need any other information,

Thanks,

Nora Lane
Waste Permits Division
225-219-3422

Message

From: Nora Lane [Nora.Lane@LA.GOV]
Sent: 8/10/2018 12:42:12 PM
To: Luschek, Robert [Luschek.Robert@epa.gov]
Subject: RE: Thermaldyne VRF Public Notice - 82 pages, 37 commenters

Good morning Rob,

Yes, for the 'feedstock/standard site specific variance': it will be held on **September 20, 2018 at the West Baton Rouge Parish Council, 880 N Alexander Avenue, Port Allen, Louisiana.**

I can send you more details when I receive them, such as the time it is being held.

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Let me know if you need any additional information,

Thanks, and have a great Friday

Nora Lane
Waste Permits Division
225-219-3422

From: Luschek, Robert <Luschek.Robert@epa.gov>
Sent: Friday, August 10, 2018 6:58 AM
To: Nora Lane <Nora.Lane@LA.GOV>
Subject: RE: Thermaldyne VRF Public Notice - 82 pages, 37 commenters

Hi Nora,

Does it look like you'll have to do a Public Hearing based on the comments that you have received? If so, any idea when that might be scheduled for?

Thanks!

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Nora Lane [<mailto:Nora.Lane@LA.GOV>]
Sent: Thursday, August 02, 2018 7:21 AM
To: Luschek, Robert <Luschek.Robert@epa.gov>
Cc: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>; robert.thomas@la.gov
Subject: RE: Thermaldyne VRF Public Notice - 82 pages, 37 commenters

Good morning Rob, Kishor,

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Nonetheless,

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The total pages of comments from all 37 commenters = 82.

As follows:

- 30 public comments were 1 page form letters generated by citizens shepherded by the Goings Group, the consultant for an out-of-state competitor, TDX/US Ecology.
- 3 LA State Representatives commented, each 1 page.
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- 1 LEAN comment- 2.5 pages
- 1 Chem Waste comment, who is an in-state competitor, 3.5 pages
- 1 TDX/US Ecology comment, who is an out-of-state competitor – 42 pages (although the submittal itself 30 MB, and may contain numerous 'pages' it is one commenter, 42 pages contain his comment(s), and the rest of the pages in his submittal are reference materials and other documents in attachments).

Counting the # of pages is very misleading, since the # of unique comments will be tallied up. Counting # of pages represents 500+ times the number of actual comments received.

Let me know if you need any other information,

Thanks,

Nora Lane
Waste Permits Division
225-219-3422

Message

From: Lina Saale [Lina.Saale@LA.GOV]
Sent: 11/14/2016 3:32:21 PM
To: Luschek, Robert [Luschek.Robert@epa.gov]
Subject: CWMLC AI-742 REVISED Draft Modified HW Permit_11-10-16
Attachments: CWMLC AI-742 REVISED Draft Modified HW Permit_11-10-16.docx

Good morning Rob,

As previously discussed, attached is the "draft" revised draft permit for Chemical Waste Management, Lake Charles Facility (CWMLC). CWMLC submitted a Class 3 Permit Modification to add oil recovery units and thermal desorber units to their existing permit. Please forward to the appropriate staff for review. The revised permit language for the proposed units begins on Page 89, Permit Conditions V.F and V.G.

Also, one permit item that is still under discussion with the facility is below:

V.G.10.b.i.5. The CPT plan and CMS performance evaluation test plan must be public noticed at least sixty (60) days prior to initiation of the test. All requirements of 40 CFR 63.1207.e must be met^[A1].

Please let me know if you have any questions. Thank you again for forwarding this.

Thanks,

Lina Kruth Saale
Environmental Scientist
LA Department of Environmental Quality
Office of Environmental Services
Waste Permits Division
(225) 219-0029
lina.saale@la.gov

Message

From: Spalding, Susan [Spalding.Susan@epa.gov]
Sent: 6/13/2016 12:56:35 PM
To: Jones, Bruce [Jones.Bruce@epa.gov]; Luschek, Robert [Luschek.Robert@epa.gov]
Subject: FW: Fact Sheet and Proposed Comment Letter - Chem Waste Management RCRA Permit
Attachments: CWM Permit Fact Sheet.docx; Chem Waste Permit Letter.doc

Bruce, I asked Evan to touch base with you on this issue. LDEQ wants to have a call with us this week to discuss. I'll give you a call later this AM.

Susan Spalding, Associate Director
Hazardous Waste Branch
EPA Region 6
(214) 665-8022

From: Pearson, Evan
Sent: Thursday, June 09, 2016 3:07 PM
To: Spalding, Susan <Spalding.Susan@epa.gov>; Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>; Barra, Michael <barra.michael@epa.gov>
Subject: Fact Sheet and Proposed Comment Letter - Chem Waste Management RCRA Permit

As we discussed, attached are a fact sheet and a draft comment letter for the Draft Chemical Waste Management RCRA Permit Modification which seeks to add two oil recovery units, two thermal desorber units, and 19 tanks at its facility in Carlyss, LA. RCRA Enforcement had an enforcement action against a similar facility in Texas, and wants to ensure a level playing field for the regulated community. Please note that the public comment period ends Monday, June 27, 2016. If you have any questions, please feel free to call or e-mail me, or call or e-mail Guy Tidmore (5-3142). Thank you.

Evan L. Pearson
Senior Enforcement Counsel (6RC-ER)
RCRA Enforcement Branch
Office of Regional Counsel
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Phone - (214) 665-8074
Fax - (214) 665-3177
E-Mail - pearson.evan@epa.gov

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Message

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 5/2/2018 7:38:49 PM
To: Luschek, Robert [Luschek.Robert@epa.gov]
Subject: Re: Thermaldyne Variance from DSW
Attachments: EPA_1998_Refining_OBSM_Proposed_Rule_Response_Part_1.pdf;
RO_14677_Refinery_OBSM_Tetra_Letter_2003.pdf

Rob,
to provide some more permit doctrine, EPA has already made clear statements in the 1998 rulemaking for petroleum refinery OBHSM that differentiate "third-party" non-refinery facilities as being inappropriate for RCRA exclusion.

see the attached RO 14677, as well as the cited background document from the 1998 rule. i have highlited some of the sections that relate third-party non-refinery facilities.

carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 5/1/2018 9:16 AM, Luschek, Robert wrote:

Hi Carl,

No worries on the corrections. I was out of the office for a few days, so I am just now getting caught up on things. I am still looking to see if we can fit a call in the week of 5/7, but some key people that I need on the call appear to be unavailable. I am waiting to hear what may work. In the interim, I am sharing the info you are sending me with this group to make sure they see your perspective as part of industry that has been operating under the existing EPA Policy.

Thanks!

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Carl Palmer [<mailto:cpalmer@tdxassociates.com>]
Sent: Friday, April 27, 2018 10:58 AM
To: Luschek, Robert <Luschek.Robert@epa.gov>
Subject: Re: Thermaldyne Variance from DSW

use the second one. found some more errors on third reading.
carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile
On 4/27/2018 11:56 AM, Carl Palmer wrote:

Robert, i made some citation errors in my writeup below. it doesn't change the analysis, just needs to be tightened up.
the 40 CFR references should be to 260.30 and 260.31, not 260.31 and .34.

here is the corrected version. sorry for the sloppy work...

Robert,

In advance of your May 3 phone call, I am sending this summary information. I will continue to research the permit doctrine, and plan to provide significant comments to LDEQ prior to the close of the comment period on May 21.

I have attached the LDEQ public notice of the April 19 draft variance for Thermaldyne for reference.

The proposed variance is for Thermaldyne to receive Oil Bearing Hazardous Secondary Materials from petroleum refineries and process these otherwise listed and hazardous waste as a third-party (i.e. a "person" not part of or associated with the manufacturing process) in both centrifuges and a thermal desorption unit (TDU) that combusts all of the vent gases in an associated thermal oxidizer.

LDEQ is using LAC33.V.105.O.1.b and 105.O.2.b to approve this variance. These code sections closely follow 260.30(b) and 260.31(b), respectively; ...Variances from Classification as a Solid Waste.

b. materials that are reclaimed and then reused within the original production process in which they were generated

Two of the key criteria for granting such a variance are:

260.31(b)(4) The location of the reclamation operation in relation to the production process;

260.31(b)(6) Whether the person who generates the material also reclaims it;

These were key review factors in the exemption of the exact same OBHSM under 261.4(a)(12)(ii) in 1998. In that rulemaking EPA and many commentors found that it was un-suitable for these petroleum refinery listed and characteristic wastes to be shipped as exempt from RCRA to an off-site third party that was not a petroleum refinery for reclamation (and/or insertion into the refining process).

EPA guidance on these DSW variance criteria (50 FR Jan 4, 1985, page 654-655) is attached. Regarding criteria 31(b)(4), closed-loop recycling is what is considered exempt from RCRA, and that while "closed loop recycling situations can extend beyond the plant boundary." "However, the more physically close the reclamation operation is to the production process, the more likely the situation is to be viewed as closed-loop recycling." Regarding criteria 31(b)(6) EPA clearly states that "the reclamation and reuse must both be conducted by the same *person*, although not necessarily at a single plant site. (*Person* is defined in 260.10 and in RCRA as including among others single corporations and other legal entities)".

Thermaldyne's variance request (on page 6 of their pdf submittal) clearly states

that they are not located at the location of the production process, but rather expect to receive OBHSM materials from 39 or more separate petroleum refinery facilities. Nor are they the generator of the material, stating that the petroleum refinery is the generator and that they are the reclaimer. (This is a 50MB document, so I can't attach it.)

Under 260.31(b)(7) "other relevant factors" there is a significant matter regarding the *prevalence of the recycling practice as an industry-wide practice*.... Federal regulations have specifically accommodated appropriate recycling of this petroleum refinery OBHSM stream either under 261.4(a)(12) and 261.6(a)(3)(iii), or at RCRA regulated recycling facilities permitted under various provisions of Part 264. This request to provide a variance for OBHSM from petroleum refineries is unnecessary and undermines the current promulgated regulations that were established to provide a minimum protection of the environment. The cited regulations are the current industry practice and provide a specific regulatory path for recycling this waste stream. There is no need for a specific solid waste variance to manage this material and if issued would compromise the protections established in the current regulations.

EPA's permit doctrine, as well as recent Region 6 enforcement actions against Rineco (2008) and US Ecology/TDX (2012) confirm that recycling of this petroleum refinery OBHSM at off-site third party locations is not exempt recycling, and does require full RCRA permitting under 264 Subpart X, incorporating appropriate technical factors from the MACT EEE standards. Furthermore, LDEQ has imposed these same Region 6 TDU requirements on Chemical Waste Management's Lake Charles facility that is installing two RCRA permitted TDUs just about 50 miles from the Thermalayne facility.

Granting this variance from the definition of solid waste is inappropriate, and contradicts EPA permit doctrine and Region 6 consistent enforcement actions. It will allow a marginally sited and permitted facility to operate outside of RCRA and its multiple layers of design and operating standards, as well as important testing and record keeping requirements. The variance is also inconsistent with very clear regulatory policy in EPA and Region 6.

Looking forward to talking to you as this review proceeds.

Carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 4/24/2018 11:50 AM, Carl Palmer wrote:

Robert,

In advance of your May 3 phone call, I am sending this summary information. I will continue to research the permit doctrine, and

plan to provide significant comments to LDEQ prior to the close of the comment period on May 21.

I have attached the LDEQ public notice of the April 19 draft variance for Thermaldyne for reference.

The proposed variance is for Thermaldyne to receive Oil Bearing Hazardous Secondary Materials from petroleum refineries and process these otherwise listed and hazardous waste as a third-party (i.e. a "person" not part of or associated with the manufacturing process) in both centrifuges and a thermal desorption unit (TDU) that combusts all of the vent gases in an associated thermal oxidizer.

LDEQ is using LAC33.V.105.O.1.b and 105.O.2.b to approve this variance. These code sections are exact incorporation of 260.31(b) and 260.34(b), respectively; ...Variances from Classification as a Solid Waste.

b. materials that are reclaimed and then reused within the original production process in which they were generated

Two of the key criteria for granting such a variance are:

260.34(b)(4) The location of the reclamation operation in relation to the production process;

260.34(b)(6) Whether the person who generates the material also reclaims it;

These were key review factors in the exemption of the exact same OBHSM under 261.4(a)(12)(ii) in 1998. In that rulemaking EPA and many commentors found that it was un-suitable for these petroleum refinery listed and characteristic wastes to be shipped as exempt from RCRA to an off-site third party that was not a petroleum refinery for reclamation (and/or insertion into the refining process).

EPA guidance on these DSW variance criteria (50 FR Jan 4, 1985, page 654-655) is attached. Regarding criteria 34(b)(4), closed-loop recycling is what is considered exempt from RCRA, and that while "closed loop recycling situations can extend beyond the plant boundary." "However, the more physically close the reclamation operation is to the production process, the more likely the situation is to be viewed as closed-loop recycling." Regarding criteria 34(b)(6) EPA clearly states that "the reclamation and reuse must both be conducted by the same *person*, although not necessarily at a single plant site. (*Person* is defined in 260.10 and in RCRA as including among others single corporations and other legal entities)".

Thermaldyne's variance request (on page 6 of their pdf submittal)

clearly states that they are not located at the location of the production process, but rather expect to receive OBHSM materials from 39 or more separate petroleum refinery facilities. Nor are they the generator of the material, stating that the petroleum refinery is the generator and that they are the reclaimer. (This is a 50MB document, so I can't attach it.)

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EPA's permit doctrine, as well as recent Region 6 enforcement actions against Rineco (2008) and US Ecology/TDX (2012) confirm that recycling of this petroleum refinery OBHSM at off-site third party locations is not exempt recycling, and does require full RCRA permitting under 264 Subpart X, incorporating appropriate technical factors from the MACT EEE standards. Furthermore, LDEQ has imposed these same Region 6 TDU requirements on Chemical Waste Management's Lake Charles facility that is installing two RCRA permitted TDUs just about 50 miles from the Thermaldyne facility.

Granting this variance from the definition of solid waste is inappropriate, and contradicts EPA permit doctrine and Region 6 consistent enforcement actions. It will allow a marginally sited and permitted facility to operate outside of RCRA and its multiple layers of design and operating standards, as well as important testing and record keeping requirements. The variance is also inconsistent with very clear regulatory policy in EPA and Region 6.

Looking forward to talking to you as this review proceeds.

Carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 4/20/2018 12:59 PM, Carl Palmer wrote:

Robert,

LDEQ has published a draft variance from the DSW for Thermaldyne.

i think they are relying on the broad DSW variance for reclamation performed as part of a manufacturing process.

however, Thermaldyne is not part of the manufacturing process, and is a third party performing off-site reclamation of listed and characteristic hazardous waste.

EPA has consistently considered that type of reclaimer to be covered by RCRA, and when using thermal treatment (i.e. RCRA regulated combustion of the hazardous waste) to require a RCRA Part B permit.

i would like to talk to you about this.

i think R6 will have significant input into this matter.

can i call today, or Monday?

thanks, carl

Message

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 6/7/2018 8:52:28 PM
To: Luschek, Robert [Luschek.Robert@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Re: Comments on Thermaldyne Draft Water Discharge Permit AI Number 198467, Permit Number LA0127307, Activity Number PER20180001

Kishor and Rob,
fyi, I submitted comments on Thermaldyne's LPDES Draft Water Discharge Permit.
that comment period closed today.

as part of our review, we took samples from Robstown while running petroleum refinery hazardous secondary material in our unit. our water treatment is essentially identical to what Thermaldyne proposes. however, we are required by our permit to manage the TDU wastewater as derived from RCRA waste. so it is deepwelled. we can't discharge it to a surface water. that is a good thing, because it is toxic to aquatic organisms. not suitable for surface water discharge without a much more extensive water treatment system. we weren't surprised by that result, because we know there are a lot of dissolved organics and inorganics in the water from the TDU that are not simple to remove. certainly would blow out carbon in a few hours.

thought you would find this review interesting. just another example of how Thermaldyne is trying to get approval for their unit under reduced monitoring and technology factors.

carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 6/7/2018 4:20 PM, Carl Palmer wrote:

> LDEQ Public Participation,
>
> Please accept my comments on the subject draft variance. I have
> copied USEPA on my comments via this email.
>
> Sincerely,
> Carl Palmer
>

Message

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 6/7/2018 8:20:28 PM
To: deq.publicnotices@la.gov
CC: Luschek, Robert [Luschek.Robert@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Comments on Thermaldyne Draft Water Discharge Permit AI Number 198467, Permit Number LA0127307, Activity Number PER20180001
Attachments: TDX_Comments_Thermaldyne_Draft_LPDES_Permit.pdf

LDEQ Public Participation,

Please accept my comments on the subject draft variance. I have copied USEPA on my comments via this email.

Sincerely,
Carl Palmer

--

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

Message

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 5/23/2018 7:39:35 PM
To: Luschek, Robert [Luschek.Robert@epa.gov]
Subject: [SPAM-Sender] Re: Thermaldyne Variance from DSW

Rob,
did Region 6 submit comments to LDEQ on the feedstock variance?
carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 5/8/2018 12:01 PM, Fruitwala, Kishor wrote:

Mr. Palmer,

Thank you for your email. Instead of today, can we have a call tomorrow morning. I am available anytime between 9 and noon.

Thank you.

Kishor

Kishor Fruitwala, Ph.D.
Chief, RCRA Permits Section (6MM-RP)
Multimedia Division, EPA Region 6
214-665-6669

From: Carl Palmer [mailto:cpalmer@tdxassociates.com]
Sent: Tuesday, May 08, 2018 10:36 AM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Cc: Luschek, Robert <Luschek.Robert@epa.gov>
Subject: Re: Thermaldyne Variance from DSW

Dr. Fruitwala,

Seems like Thermaldyne is trying everything except what is right (i.e. getting a RCRA permit for their TDU). Waste Management worked for about three years to get a Part B mod from LDEQ for their new TDUs at Lake Charles. Hard to believe that the same agency is ready to grant this variance.

I would really appreciate some time to talk this over with you. I am open at 1:30 Central time today, and all day tomorrow. I might invite Andy Marshall too. You might remember him. He is the US Ecology engineer responsible for their corporate Environmental Department. Intimately familiar with the RCRA permit for our TDU in Robstown.

Looking forward to talking to you.

carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 5/7/2018 1:45 PM, Luschek, Robert wrote:

Hi Carl,

I talked with my supervisor (Kishor Fruitwala) and he is aware of your concerns. If you would like to talk to him to discuss this proposed action by the state he can be reached at 214-665-6669. He is also copied on this email and you can send any additional info to the 2 of us. Unfortunately...we aren't going to be able to get a conference call put together in a timeframe that works for both of us.

Thanks!

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Carl Palmer [<mailto:cpalmer@tdxassociates.com>]

Sent: Monday, May 07, 2018 9:32 AM

To: Luschek, Robert <Luschek.Robert@epa.gov>

Subject: Re: Thermaldyne Variance from DSW

Rob,
if you're having trouble getting all your folks back together, can we still do a call tomorrow with at least you and any others that are available. the comment period ends May 21, and that is fast approaching.

i am wide open for any time tomorrow that works for you.

i have a TSCA/RCRA demo test on our Utah mixed waste thermal desorber next week, so i will be doing my LDEQ comment letter this coming weekend. would be nice to have a discussion with you before i start that drafting.

carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 5/3/2018 4:11 PM, Luschek, Robert wrote:

Hi Carl,

Thanks for the additional info, I am going to continue to forward it on to our group. We currently have another internal call to discuss everything and we are scheduling a call with LDEQ to discuss things with them.

Just to make sure you are aware, they are an authorized state for this part of the RCRA regulations, so please do not forget to submit your comments to them prior to the end of the public comment period.

Thanks!

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Message

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 5/7/2018 2:32:01 PM
To: Luschek, Robert [Luschek.Robert@epa.gov]
Subject: Re: Thermaldyne Variance from DSW

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214-665-7148
luschek.robert@epa.gov

From: Carl Palmer [<mailto:cpalmer@tdxassociates.com>]
Sent: Wednesday, May 02, 2018 2:39 PM
To: Luschek, Robert <Luschek.Robert@epa.gov>
Subject: Re: Thermaldyne Variance from DSW

Rob,
to provide some more permit doctrine, EPA has already made clear statements in the 1998 rulemaking for petroleum refinery OBHSM that differentiate "third-party" non-refinery facilities as being inappropriate for RCRA exclusion.

see the attached RO 14677, as well as the cited background document from the 1998 rule. i have highlighted some of the sections that relate third-party non-refinery facilities.

carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 5/1/2018 9:16 AM, Luschek, Robert wrote:

Hi Carl,

No worries on the corrections. I was out of the office for a few days, so I am just now getting caught up on things. I am still looking to see if we can fit a call in the week of 5/7, but some key people that I need on the call appear to be unavailable. I am waiting to hear what may work. In the interim, I am sharing the info you are sending me with this group to make sure they see your perspective as part of industry that has been operating under the existing EPA Policy.

Thanks!

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Carl Palmer [<mailto:cpalmer@tdxassociates.com>]
Sent: Friday, April 27, 2018 10:58 AM
To: Luschek, Robert <Luschek.Robert@epa.gov>
Subject: Re: Thermaldyne Variance from DSW

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carl

Carl R. Palmer, P.E.
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LDEQ is using LAC33.V.105.O.1.b and 105.O.2.b to approve this variance. These code sections closely follow 260.30(b) and 260.31(b), respectively; ...Variances from Classification as a Solid Waste.

b. materials that are reclaimed and then reused within the original production process in which they were generated

Two of the key criteria for granting such a variance are:

260.31(b)(4) The location of the reclamation operation in relation to the production process;

260.31(b)(6) Whether the person who generates the material also reclaims it;

These were key review factors in the exemption of the exact same OBHSM under 261.4(a)(12)(ii) in 1998. In that rulemaking EPA and many commentors found that it was unsuitable for these petroleum refinery listed and characteristic wastes to be shipped as exempt from RCRA to an off-site third party that was not a petroleum refinery for reclamation (and/or insertion into the refining process).

EPA guidance on these DSW variance criteria (50 FR Jan 4, 1985, page 654-655) is attached. Regarding criteria 31(b)(4), closed-loop recycling is what is considered exempt from RCRA, and that while "closed loop recycling situations can extend beyond the plant boundary." "However, the more physically close the reclamation operation is to the production process, the more likely the situation is to be viewed as closed-loop recycling." Regarding criteria 31(b)(6) EPA clearly states that "the reclamation and reuse must both be conducted by the same *person*, although not necessarily at a single plant site. (*Person* is defined in 260.10 and in RCRA as including among others single corporations and other legal entities)".

Thermalayne's variance request (on page 6 of their pdf submittal) clearly states that they are not located at the location of the production process, but rather expect to receive OBHSM materials from 39 or more separate petroleum refinery facilities. Nor are they the generator of the material, stating that the petroleum refinery is the generator and that they are the reclaimer. (This is a 50MB document, so I can't attach it.)

Under 260.31(b)(7) "other relevant factors" there is a significant matter regarding the *prevalence of the recycling practice as an industry-wide practice*.... Federal regulations have specifically accommodated appropriate recycling of this petroleum refinery OBHSM stream either under 261.4(a)(12) and 261.6(a)(3)(iii), or at RCRA regulated recycling facilities permitted under various provisions of Part 264. This request to provide a variance for OBHSM from petroleum refineries is unnecessary and undermines the current promulgated regulations that were established to provide a minimum protection of the environment. The cited regulations are the current industry practice and provide a specific regulatory path for recycling this waste stream. There is no need for a specific solid waste variance to manage this material and if issued would compromise the protections established in the current regulations.

EPA's permit doctrine, as well as recent Region 6 enforcement actions against Rineco (2008) and US Ecology/TDX (2012) confirm that recycling of this petroleum refinery OBHSM at off-site third party locations is not exempt recycling, and does require full RCRA permitting under 264 Subpart X, incorporating appropriate technical factors from the MACT EEE standards. Furthermore, LDEQ has imposed these same Region 6 TDU requirements on Chemical Waste Management's Lake Charles facility that is installing two RCRA permitted TDUs just about 50 miles from the Thermalayne facility.

Granting this variance from the definition of solid waste is inappropriate, and contradicts EPA permit doctrine and Region 6 consistent enforcement actions. It will allow a marginally sited and permitted facility to operate outside of RCRA and its multiple layers of design and operating standards, as well as important testing and record keeping requirements. The variance is also inconsistent with very clear regulatory policy in EPA and Region 6.

Looking forward to talking to you as this review proceeds.

Carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 4/24/2018 11:50 AM, Carl Palmer wrote:

Robert,

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to be shipped as exempt from RCRA to an off-site third party that was not a petroleum refinery for reclamation (and/or insertion into the refining process).

EPA guidance on these DSW variance criteria (50 FR Jan 4, 1985, page 654-655) is attached. Regarding criteria 34(b)(4), closed-loop recycling is what is considered exempt from RCRA, and that while "closed loop recycling situations can extend beyond the plant boundary." "However, the more physically close the reclamation operation is to the production process, the more likely the situation is to be viewed as closed-loop recycling." Regarding criteria 34(b)(6) EPA clearly states that "the reclamation and reuse must both be conducted by the same *person*, although not necessarily at a single plant site. (*Person* is defined in 260.10 and in RCRA as including among others single corporations and other legal entities)".

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Carl R. Palmer, P.E.
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thanks, carl

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From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 4/27/2018 3:58:05 PM
To: Luschek, Robert [Luschek.Robert@epa.gov]
Subject: Re: Thermaldyne Variance from DSW

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i think R6 will have significant input into this matter.

can i call today, or Monday?

thanks, carl

Message

From: Lina Saale [Lina.Saale@LA.GOV]
Sent: 12/2/2016 2:55:54 PM
To: Luschek, Robert [Luschek.Robert@epa.gov]
Subject: RE: CWMLC AI-742 REVISED Draft Modified HW Permit_11-10-16
Attachments: CWMLC AI-742 REVISED Draft Modified HW Permit_11-30-16.docx

Hi Rob,

Hope you had a nice Thanksgiving. Thanks for providing an update.

We finally finalized the language for the revised draft permit. I have it attached it if you don't mind forwarding it to the appropriate staff as well. There are only a few minor changes, but I just wanted to make sure that Region VI has the latest version.

Thanks again!
Lina

From: Luschek, Robert [mailto:Luschek.Robert@epa.gov]
Sent: Friday, December 02, 2016 8:44 AM
To: Lina Saale
Subject: RE: CWMLC AI-742 REVISED Draft Modified HW Permit_11-10-16

Hi Lina,

I just wanted to give you a heads up that my forwarded email was overlooked for a couple days, but that the Draft Permit was distributed to the appropriate folks in the Regional Office earlier this week, and my management has set a due date for comments back to me on Dec. 8. I'll keep you posted if I hear anything else.

Thanks!

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Lina Saale [mailto:Lina.Saale@LA.GOV]
Sent: Monday, November 14, 2016 9:32 AM
To: Luschek, Robert <Luschek.Robert@epa.gov>
Subject: CWMLC AI-742 REVISED Draft Modified HW Permit_11-10-16

Good morning Rob,

As previously discussed, attached is the "draft" revised draft permit for Chemical Waste Management, Lake Charles Facility (CWMLC). CWMLC submitted a Class 3 Permit Modification to add oil recovery units and thermal desorber units to their existing permit. Please forward to the appropriate staff for review. The revised permit language for the proposed units begins on Page 89, Permit Conditions V.F and V.G.

Also, one permit item that is still under discussion with the facility is below:

V.G.10.b.i.5. The CPT plan and CMS performance evaluation test plan must be public noticed at least sixty (60) days prior to initiation of the test. All requirements of 40 CFR 63.1207.e must be met[A1] .

Please let me know if you have any questions. Thank you again for forwarding this.

Thanks,

Lina Kruth Saale

Environmental Scientist

LA Department of Environmental Quality

Office of Environmental Services

Waste Permits Division

(225) 219-0029

lina.saale@la.gov

.....

Message

From: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Sent: 5/3/2017 12:54:53 PM
To: Luschek, Robert [Luschek.Robert@epa.gov]; Shah, Harry [Shah.Harry@epa.gov]
Subject: FW: TDU Assessment follow-up
Attachments: ChemWaste US Ecology_Questions for R6_5-2-17 (003).docx

Let us discuss this morning. I will send you invite.

Kishor

From: Galbraith, Michael
Sent: Wednesday, May 03, 2017 7:12 AM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Cc: Kohler, Amanda <Kohler.Amanda@epa.gov>
Subject: TDU Assessment follow-up

Kishor -hope all is well with you. Our Office Director committed to responding to ETC's complaint soon, and we need more info on the R6 facilities to do this. Could you do me a favor and help expedite this info gathering/exchange? We need this ASAP to assess next steps. If you would like to discuss this, feel free to give me a call. I can also set up a call between you, us, and R5 if you think that would help.

See below (and attached) for more detailed explanation.

Thanks!

We need to identify similarities/differences between Tradebe and the R6 facilities. We started discussing these issues a couple weeks ago, and I think R5 sent you follow-up questions on April 18 and 19. Specifically, I believe we need general info from Guy on TDX/US Ecology (and Rhineco, to a lesser extent), and follow-up info from you with respect to specific questions on CWM (see 4/21 email from Michael Valentino).

To expedite this process, R5 recently developed specific questions that are applicable to the various facilities in your region (see attached). Could you please take a look at those questions and get back to us and R5 ASAP wrt whether that information can be obtained, either from your office or by talking to the states, and how long that will take you? And for the info specific to tdx/rineco, could you please ask Guy Tidmore in your air enforcement to do the same? We are by no means asking you to ask the facilities these questions – our goal is to simply better characterize the differences between the facilities. If the questions are too detailed such that the answers are not readily available, perhaps a copy of the facilities' permit or permit application will suffice.

A key aspect of this assessment pertains to whether all the facilities' combustion devices are considered flares (APCDs) vs. incinerators or thermal oxidizers (e.g., subpart x units). We may need to have a call specifically on this topic, but for now I'd like to focus on the design aspects for each of the facilities (I think rineco and tdx are straightforward – I don't know about the CWM facilities). The question pertains more to the actual design of each facility's combustion device, followed by how it was regulated (subpart x/o/apcd/exempt).

Thanks!

Mike Galbraith
Permits Branch (5303P)
Program Implementation/Information Division
Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

(703) 605-0567

Message

From: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Sent: 4/13/2017 8:05:35 PM
To: Shah, Harry [Shah.Harry@epa.gov]; Luschek, Robert [Luschek.Robert@epa.gov]
Subject: TDU flow diagrams

Would have US Ecology/TDX and Chem Waste TDU flow diagrams? Please send to me by noon tomorrow if possible.

Thanks

Kishor

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 4/24/2018 3:52:54 PM
To: Luschek, Robert [Luschek.Robert@epa.gov]
Subject: Re: Thermaldyne Variance from DSW
Attachments: wbr AI198467 PUBp PN Draft feedstock variance.pdf; 50FR654-656.pdf

Robert,

In advance of your May 3 phone call, I am sending this summary information. I will continue to research the permit doctrine, and plan to provide significant comments to LDEQ prior to the close of the comment period on May 21.

I have attached the LDEQ public notice of the April 19 draft variance for Thermaldyne for reference.

The proposed variance is for Thermaldyne to receive Oil Bearing Hazardous Secondary Materials from petroleum refineries and process these otherwise listed and hazardous waste as a third-party (i.e. a "person" not part of or associated with the manufacturing process) in both centrifuges and a thermal desorption unit (TDU) that combusts all of the vent gases in an associated thermal oxidizer.

LDEQ is using LAC33.V.105.O.1.b and 105.O.2.b to approve this variance. These code sections are exact incorporation of 260.31(b) and 260.34(b), respectively; ...Variances from Classification as a Solid Waste.

b. materials that are reclaimed and then reused within the original production process in which they were generated

Two of the key criteria for granting such a variance are:

260.34(b)(4) The location of the reclamation operation in relation to the production process;

260.34(b)(6) Whether the person who generates the material also reclaims it;

These were key review factors in the exemption of the exact same OBHSM under 261.4(a)(12)(ii) in 1998. In that rulemaking EPA and many commentators found that it was un-suitable for these petroleum refinery listed and characteristic wastes to be shipped as exempt from RCRA to an off-site third party that was not a petroleum refinery for reclamation (and/or insertion into the refining process).

EPA guidance on these DSW variance criteria (50 FR Jan 4, 1985, page 654-655) is attached. Regarding criteria 34(b)(4), closed-loop recycling is what is considered exempt from RCRA, and that while "closed loop recycling situations can extend beyond the plant boundary." "However, the more physically close the reclamation operation is to the production process, the more likely the situation is to be viewed as closed-loop recycling." Regarding criteria 34(b)(6) EPA clearly states that "the reclamation and reuse must both be conducted by the same *person*, although not necessarily at a single plant site. (*Person* is defined in 260.10 and in RCRA as including among others single corporations and other legal entities)".

Thermaldyne's variance request (on page 6 of their pdf submittal) clearly states that they are not located at the location of the production process, but rather expect to receive OBHSM materials from 39 or more separate petroleum refinery facilities. Nor are they the generator of the material, stating that the petroleum refinery is the generator and that they are the reclaimer. (This is a 50MB document, so I can't attach it.)

Under 260.34(b)(7) "other relevant factors" there is a significant matter regarding the *prevalence of the recycling practice as an industry-wide practice*.... Federal regulations have specifically accommodated

appropriate recycling of this petroleum refinery OBHSM stream either under 261.4(a)(12) and 261.6(a)(3)(iii), or at RCRA regulated recycling facilities permitted under various provisions of Part 264. This request to provide a variance for OBHSM from petroleum refineries is unnecessary and undermines the current promulgated regulations that were established to provide a minimum protection of the environment. The cited regulations are the current industry practice and provide a specific regulatory path for recycling this waste stream. There is no need for a specific solid waste variance to manage this material and if issued would compromise the protections established in the current regulations.

EPA's permit doctrine, as well as recent Region 6 enforcement actions against Rineco (2008) and US Ecology/TDX (2012) confirm that recycling of this petroleum refinery OBHSM at off-site third party locations is not exempt recycling, and does require full RCRA permitting under 264 Subpart X, incorporating appropriate technical factors from the MACT EEE standards. Furthermore, LDEQ has imposed these same Region 6 TDU requirements on Chemical Waste Management's Lake Charles facility that is installing two RCRA permitted TDUs just about 50 miles from the Thermaladyne facility.

Granting this variance from the definition of solid waste is inappropriate, and contradicts EPA permit doctrine and Region 6 consistent enforcement actions. It will allow a marginally sited and permitted facility to operate outside of RCRA and its multiple layers of design and operating standards, as well as important testing and record keeping requirements. The variance is also inconsistent with very clear regulatory policy in EPA and Region 6.

Looking forward to talking to you as this review proceeds.

Carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 4/20/2018 12:59 PM, Carl Palmer wrote:

Robert,

LDEQ has published a draft variance from the DSW for Thermaladyne.

i think they are relying on the broad DSW variance for reclamation performed as part of a manufacturing process.

however, Thermaladyne is not part of the manufacturing process, and is a third party performing off-site reclamation of listed and characteristic hazardous waste.

EPA has consistently considered that type of reclaimer to be covered by RCRA, and when using thermal treatment (i.e. RCRA regulated combustion of the hazardous waste) to require a RCRA Part B permit.

i would like to talk to you about this.

i think R6 will have significant input into this matter.

can i call today, or Monday?

thanks, carl

From: Carl Palmer [cpalmer@tdxassociates.com]
Sent: 4/24/2018 3:50:48 PM
To: Luschek, Robert [Luschek.Robert@epa.gov]
Subject: Re: Thermaldyne Variance from DSW
Attachments: wbr AI198467 PUBp PN Draft feedstock variance.pdf; 50FR654-656.pdf

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Looking forward to talking to you as this review proceeds.

Carl

Carl R. Palmer, P.E.
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i would like to talk to you about this.
i think R6 will have significant input into this matter.

can i call today, or Monday?
thanks, carl

Message

From: Luscek, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CD6769C1089E464EBE6E5F345960A0CF-LUSCHEK, ROBERT]
Sent: 8/1/2018 3:14:03 PM
To: nora.lane@la.gov
Subject: Thermaldyne VRF Public Notice

Hi Nora,

My management was wondering what kind of response you all received from the Thermaldyne VRF Public Notice. I can see on EDMS that LEAN commented on the Feedstock Variance. I can also see that Chem Waste Management and Representative Thibaut commented on the VRF notice. Lastly, we were copied on a large file from TDX for the VRF notice, which I'm guessing you all are processing to get it uploaded to EDMS.

Where there any other comments you all received that may not be on EDMS yet? Do you know how many total pages of public comments there are? I think Kishor is just looking for a ball park figure (I'm counting ~550 pages)

Thanks!

Rob Luscek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luscek.robert@epa.gov

Message

From: Luschek, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CD6769C1089E464EBE6E5F345960A0CF-LUSCHEK, ROBERT]
Sent: 5/19/2017 12:21:55 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: RE: CBI?

Hi Kishor,

Everything we shared regarding Chem Waste was straight from EDMS, so it would NOT be CBI. There was CBI info that was submitted to LDEQ, but we never requested it.

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Fruitwala, Kishor
Sent: Thursday, May 18, 2017 8:54 AM
To: Luschek, Robert <Luschek.Robert@epa.gov>
Subject: FW: CBI?

Your thoughts?

Kishor

From: Galbraith, Michael
Sent: Thursday, May 18, 2017 8:52 AM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Subject: CBI?

Kishor – for the 2 chem waste management files you shared (permit and permit mod request...), is it safe to assume those are not cbi? Region 10 wants to look at them since they have a similar cwm permit mod request for a tdu like device that the state of Oregon is processing

Im pretty sure about the class 3 mod application, since I found that in LDEQ's public database. The final permit however was issued a couple months ago, and I don't see that document in their database.

Mike Galbraith
Permits Branch (5303P)
Program Implementation/Information Division
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

(703) 605-0567

From: Fruitwala, Kishor
Sent: Thursday, May 04, 2017 3:43 PM
To: Galbraith, Michael <Galbraith.Michael@epa.gov>
Cc: Kohler, Amanda <Kohler.Amanda@epa.gov>
Subject: RE: TDU Assessment follow-up

Mike,

Here are few files. I hope R5 and you find them helpful.

- A. RINECO (the combustion units have been shut down due to unsuccessful CPT):
 - 1. CPT Plan
 - 2. Expert report (Don was DOJ contractor)
- B. CHEM WASTE MANAGEMENT (the TDU has not been constructed; permit mod submitted)
Two files are being shared with you via EPA OneDrive.
- C. US ECOLOGY/TDX: This was EN. Can't send you CBI files; perhaps Guy Tidmore can.

Thank you.

Kishor

Kishor Fruitwala, Ph.D., P.E.
Chief, RCRA Permits Section (6MM-RP)
Multimedia Division, EPA Region 6
214-665-6669

From: Fruitwala, Kishor
Sent: Thursday, May 04, 2017 10:48 AM
To: Galbraith, Michael <Galbraith.Michael@epa.gov>
Cc: Kohler, Amanda <Kohler.Amanda@epa.gov>
Subject: RE: TDU Assessment follow-up

Mike,

We are putting the documents together, and hope to send them to you later today or on Monday.

Thank you.

Kishor

Kishor Fruitwala, Ph.D., P.E.
Chief, RCRA Permits Section (6MM-RP)
Multimedia Division, EPA Region 6
214-665-6669

From: Galbraith, Michael
Sent: Wednesday, May 03, 2017 7:12 AM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Cc: Kohler, Amanda <Kohler.Amanda@epa.gov>
Subject: TDU Assessment follow-up

Kishor -hope all is well with you. Our Office Director committed to responding to ETC's complaint soon, and we need more info on the R6 facilities to do this. Could you do me a favor and help expedite this info gathering/exchange? We need this ASAP to assess next steps. If you would like to discuss this, feel free to give me a call. I can also set up a call between you, us, and R5 if you think that would help.

See below (and attached) for more detailed explanation.

Thanks!

We need to identify similarities/differences between Tradebe and the R6 facilities. We started discussing these issues a couple weeks ago, and I think R5 sent you follow-up questions on April 18 and 19. Specifically, I believe we need general info from Guy on TDX/US Ecology (and Rhineco, to a lesser extent), and follow-up info from you with respect to specific questions on CWM (see 4/21 email from Michael Valentino).

To expedite this process, R5 recently developed specific questions that are applicable to the various facilities in your region (see attached). Could you please take a look at those questions and get back to us and R5 ASAP wrt whether that information can be obtained, either from your office or by talking to the states, and how long that will take you? And for the info specific to tdx/rineco, could you please ask Guy Tidmore in your air enforcement to do the same? We are by no means asking you to ask the facilities these questions – our goal is to simply better characterize the differences between the facilities. If the questions are too detailed such that the answers are not readily available, perhaps a copy of the facility's permit or permit application will suffice.

A key aspect of this assessment pertains to whether all the facility's combustion devices are considered flares (APCDs) vs. incinerators or thermal oxidizers (e.g., subpart x units). We may need to have a call specifically on this topic, but for now I'd like to focus on the design aspects for each of the facilities (I think rineco and tdx are straightforward – I don't know about the CWM facilities). The question pertains more to the actual design of each facility's combustion device, followed by how it was regulated (subpart x/o/apcd/exempt).

Thanks!

Mike Galbraith
Permits Branch (5303P)
Program Implementation/Information Division
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

(703) 605-0567

Message

From: Luschek, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CD6769C1089E464EBE6E5F345960A0CF-LUSCHEK, ROBERT]
Sent: 4/18/2017 2:37:35 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: RE: TDU flow diagrams
Attachments: Permit Application - TDU Flow Diagram.pdf

Here is the Chem Waste TDU Flow Diagram.

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Fruitwala, Kishor
Sent: Thursday, April 13, 2017 3:06 PM
To: Shah, Harry <Shah.Harry@epa.gov>; Luschek, Robert <Luschek.Robert@epa.gov>
Subject: TDU flow diagrams

Would have US Ecology/TDX and Chem Waste TDU flow diagrams? Please send to me by noon tomorrow if possible.

Thanks

Kishor

Message

From: Lusчек, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CD6769C1089E464EBE6E5F345960A0CF-LUSCHEK, ROBERT]
Sent: 6/6/2018 12:11:40 PM
To: Fruitwala, Kishor [fruitwala.kishor@epa.gov]
Subject: FW: LDEQ approach to Verified Recycler Exemption

Hi Kishor,

I wanted to make sure you saw the message from Mr. Matthews below.

Rob Lusчек
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
lusчек.robort@epa.gov

From: Kevin Matthews [mailto:KMatthews@nationalstrategies.com]
Sent: Friday, June 01, 2018 3:04 PM
To: Spalding, Susan <Spalding.Susan@epa.gov>
Cc: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>; Lusчек, Robert <Lusчек.Robert@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>
Subject: RE: LDEQ approach to Verified Recycler Exemption

Rob/Mark: Are there options for scheduling a meeting in the near term? We believe LA is moving with a steady pace on this. Please let me know if you need any information from us on this matter.

Thank
Kevin

From: Spalding, Susan [mailto:Spalding.Susan@epa.gov]
Sent: Tuesday, May 29, 2018 4:47 PM
To: Kevin Matthews <KMatthews@nationalstrategies.com>
Cc: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>; Lusчек, Robert <Lusчек.Robert@epa.gov>; Potts, Mark <Potts.Mark@epa.gov>
Subject: RE: LDEQ approach to Verified Recycler Exemption

Kevin – thanks for your note. I am copying Kishor Fruitwala and Rob Lusчек from my branch and Mark Potts from enforcement in my reply for their follow-up. Also including Bruce Jones from Regional Counsel. I am retiring tomorrow so I will ask Kishor to take the lead on scheduling a discussion. I suspect they will also want to coordinate with EPA HQ.

Susan Spalding, Associate Director
Hazardous Waste Branch
EPA Region 6
(214) 665-8022

From: Kevin Matthews [mailto:KMatthews@nationalstrategies.com]
Sent: Tuesday, May 29, 2018 2:41 PM
To: Spalding, Susan <Spalding.Susan@epa.gov>
Subject: LDEQ approach to Verified Recycler Exemption

Susan,

We've had a series of calls/meetings with LDEQ as it relates to the Thermalaldyne Permit and VRE. Based on those meetings we would like to request a follow up meeting in Dallas with your team and hopefully the enforcement side of the shop. There are several parts of this approach that we would like to bring to Region 6's attention and provide our thoughts and input as well as answer any questions you may have. We would like to arrange this meeting as soon as possible given the time frame in LA that could allow Thermalaldyne to proceed. We are of course happy to work around your schedule. As for background here is a summary of our understanding of LDEQ staff plans for implementing the EPA's rule on the Transfer-Based Exclusion under the Definition of Solid Waste re-write.

- LDEQ stated that they have already adopted the Verified Recycler Exclusion (VRE), and that they do not intend to rescind it. When EPA rescinds the VRE based on the court order, that will not affect LDEQ keeping it in their adopted regulations. They feel that the VRE is more restrictive than the Transfer-Based Exclusion, and that it is acceptable under Federal Law for a State to have regulations that are more restrictive than EPA regs.
- Then, LDEQ said that they plan to allow Thermalaldyne to operate their TDU on listed and characteristic hazwaste under the VRE, and thereby exclude their feed material from the DSW by issuing them a VRE variance. They believe that the air permit is sufficient to manage air emissions, and appear to be ready to approve Thermalaldyne ops with no additional technical requirements. For information, the Thermalaldyne air permit has essentially no technical requirements, nor any demonstration testing requirements, and for practical purposes only restricts Thermalaldyne to operate so as to create no visible emissions.
- Then, LDEQ said that they intend to instruct other permitted units (we infer that means Chem Waste) to file Class 1 Mods to remove the TDU from their RCRA permit and operate under the VRE without any technical requirements.

Of course there is a lot of nuance that gets LDEQ to the above positions. Their basic position seems to be that once a waste is excluded from the DSW by variance, the RCRA technical standards don't apply to the recycling process. So, it would seem that if the RCRA technical standards do apply to TDUs that combust all or a portion of their hazardous waste feed, as clearly established by the Rineco and USET/TDX enforcement actions, that the States need to be instructed to not grant VRE variances for that activity, or if they do, to fully incorporate the technical criteria of RCRA (i.e. MACT EEE) into the variance, including a requirement to conduct a performance test.

We do appreciate the time and consideration Region 6 has given this issue to date and we do look forward to discussing as soon as possible.

Please let me know if you have any questions.

Many thanks,
Kevin

KEVIN L. MATTHEWS

NSI | MANAGING DIRECTOR, SUSTAINABILITY SECTOR

1990 K ST NW SUITE 320 | WASHINGTON, DC 20006

T 202 . 349 . 7010 (DIRECT)

kmatthews@nationalstrategies.com

www.nationalstrategies.com



Message

From: Luscek, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CD6769C1089E464EBE6E5F345960A0CF-LUSCHEK, ROBERT]
Sent: 5/24/2018 1:05:16 PM
To: Carl Palmer [cpalmer@tdxassociates.com]
Subject: RE: [SPAM-Sender] Re: Thermaldyne Variance from DSW

Hi Carl,

We are at our RCRA All States Meeting this week, so I haven't been able to check in with the folks in the "know". We did have a call with LDEQ and we talked about the facility and why they thought it may qualify for the variance vs. why it would not qualify for the variance. I am not sure if we actually sent them comments on it though, and Kishor is out of the office until early June. EDMS has been down for a couple weeks too, so I can't see if anything showed up their either.

Sorry I can't be of more help at this time.

Rob Luscek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luscek.robert@epa.gov

From: Carl Palmer [mailto:cpalmer@tdxassociates.com]
Sent: Wednesday, May 23, 2018 2:40 PM
To: Luscek, Robert <Luscek.Robert@epa.gov>
Subject: [SPAM-Sender] Re: Thermaldyne Variance from DSW

Rob,
did Region 6 submit comments to LDEQ on the feedstock variance?
carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 5/8/2018 12:01 PM, Fruitwala, Kishor wrote:

Mr. Palmer,

Thank you for your email. Instead of today, can we have a call tomorrow morning. I am available anytime between 9 and noon.

Thank you.

Kishor

Kishor Fruitwala, Ph.D.
Chief, RCRA Permits Section (6MM-RP)
Multimedia Division, EPA Region 6
214-665-6669

From: Carl Palmer [<mailto:cpalmer@tdxassociates.com>]
Sent: Tuesday, May 08, 2018 10:36 AM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Cc: Luschek, Robert <Luschek.Robert@epa.gov>
Subject: Re: Thermaldyne Variance from DSW

Dr. Fruitwala,

Seems like Thermaldyne is trying everything except what is right (i.e. getting a RCRA permit for their TDU). Waste Management worked for about three years to get a Part B mod from LDEQ for their new TDUs at Lake Charles. Hard to believe that the same agency is ready to grant this variance.

I would really appreciate some time to talk this over with you. I am open at 1:30 Central time today, and all day tomorrow. I might invite Andy Marshall too. You might remember him. He is the US Ecology engineer responsible for their corporate Environmental Department. Intimately familiar with the RCRA permit for our TDU in Robstown.

Looking forward to talking to you.

carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 5/7/2018 1:45 PM, Luschek, Robert wrote:

Hi Carl,

I talked with my supervisor (Kishor Fruitwala) and he is aware of your concerns. If you would like to talk to him to discuss this proposed action by the state he can be reached at 214-665-6669. He is also copied on this email and you can send any additional info to the 2 of us. Unfortunately...we aren't going to be able to get a conference call put together in a timeframe that works for both of us.

Thanks!

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

From: Carl Palmer [<mailto:cpalmer@tdxassociates.com>]
Sent: Monday, May 07, 2018 9:32 AM
To: Luschek, Robert <Luschek.Robert@epa.gov>
Subject: Re: Thermaldyne Variance from DSW

Rob,
if you're having trouble getting all your folks back together, can we still do a call tomorrow with at least you and any others that are available. the comment period

ends May 21, and that is fast approaching.

i am wide open for any time tomorrow that works for you.

i have a TSCA/RCRA demo test on our Utah mixed waste thermal desorber next week, so i will be doing my LDEQ comment letter this coming weekend. would be nice to have a discussion with you before i start that drafting.

carl

Carl R. Palmer, P.E.
TD*X Associates LP
(919) 349-1583 mobile

On 5/3/2018 4:11 PM, Luschek, Robert wrote:

Hi Carl,

Thanks for the additional info, I am going to continue to forward it on to our group. We currently have another internal call to discuss everything and we are scheduling a call with LDEQ to discuss things with them.

Just to make sure you are aware, they are an authorized state for this part of the RCRA regulations, so please do not forget to submit your comments to them prior to the end of the public comment period.

Thanks!

Rob Luschek
Environmental Engineer
U.S. EPA Region 6 (6MM-RP)
214-665-7148
luschek.robert@epa.gov

Message

From: Shah, Harry [Shah.Harry@epa.gov]
Sent: 6/6/2012 6:30:20 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Susan Spalding [Spalding.Susan@epa.gov]
Subject: Fw: Draft USET & TD*X CAFO
Attachments: Draft USET - TDX CAFO - 6-6-12 - clean.docx; Draft USET - TDX CAFO - 6-6-12 - mark up.pdf

Fyi.

----- Forwarded by Harry Shah/R6/USEPA/US on 06/06/2012 01:29 PM -----

From: Evan Pearson/R6/USEPA/US
To: mreagan@mcginnislaw.com, jdhead@fbhh.com
Cc: Guy Tidmore/R6/USEPA/US@EPA, Eva Steele/R6/USEPA/US@EPA, Craig Lutz/R6/USEPA/US@EPA, Esteban Herrera/R6/USEPA/US@EPA, Mark Potts/R6/USEPA/US@EPA
Date: 06/06/2012 01:24 PM
Subject: Draft USET & TD*X CAFO

Attached are two revised draft CAFOs for USET & TD*X. The first CAFO is a clean version, and the second CAFO is a redlined/strikeout version. In addition to the changes made to Section III - Compliance Order, we added a section [Section IV.C - Paragraph 75] regarding compliance with the Benzene Waste Operation NESHAP, 40 C.F.R. Part 61, Subpart FF, and 40 C.F.R. Part 61, Subpart V (Fugitive Emission Sources). Subpart V is applicable to USET/TD*X's operation pursuant to 40 C.F.R. § 61.240(b). We assumed that the tanks would be vented to the TOU. There were also changes made to the Stipulated Penalty section. In addition, you will notice that we deleted the requirements for a risk burn and site-specific risk assessment. A few other minor changes were made in other parts of the CAFO. In addition, we have sent a copy of the Compliance Order to TCEQ for their review and comment.

Finally, we have been instructed by our management to complete negotiations on Section III - Compliance Order, and Section IV.C - Additional Requirements by the end of June. Since we are unable to meet the week of June 11th, could you please send us your comments on Sections III and IV.C by COB Wednesday, June 13th. We will commit to having a response ready for you prior to our meeting during the week of June 18th. As previously mentioned, we would like to meet for two days during the weeks of June 18th and June 25th, so we can finalize the injunctive relief by June 29th. Please let us know your availability ASAP. Thank you.



Draft USET - TDX CAFO - 6-6-12 - ... Draft USET - TDX CAFO - 6-6-12 - ...

Evan L. Pearson
Senior Enforcement Counsel (6RC-ER)
RCRA Enforcement Branch
Office of Regional Counsel
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Phone - (214) 665-8074
Fax - (214) 665-3177
E-Mail - pearson.evan@epa.gov

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Message

From: Shah, Harry [Shah.Harry@epa.gov]
Sent: 4/2/2012 2:22:08 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Fw: U.S. Ecology/TD*X Associates

----- Forwarded by Harry Shah/R6/USEPA/US on 04/02/2012 09:21 AM -----

From: Evan Pearson/R6/USEPA/US
To: mreagan@mcginnislaw.com, JDHead@fbhh.com, Mark Hansen/R6/USEPA/US@EPA
Date: 04/02/2012 09:21 AM
Subject: Fw: U.S. Ecology/TD*X Associates

One point I forgot to mention. We have 30 days to reach an agreement.

Evan L. Pearson
Senior Enforcement Counsel (6RC-ER)
RCRA Enforcement Branch
Office of Regional Counsel
U.S. EPA - Region 6
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Dallas, Texas 75202-2733
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----- Forwarded by Evan Pearson/R6/USEPA/US on 04/02/2012 09:19 AM -----

From: Evan Pearson/R6/USEPA/US
To: mreagan@mcginnislaw.com, JDHead@fbhh.com
Cc: Mark Hansen/R6/USEPA/US@EPA
Date: 04/02/2012 09:12 AM
Subject: U.S. Ecology/TD*X Associates

We are willing to meet with you the week of April 9th. Please check your availability for the mornings of Tuesday, April 10th or Wednesday, April 11th. I will do the same for our team. Mark Hansen is planning to attend, but Cheryl and Suzanne will not. We are willing to go over our legal theory again, but I believe that we have fully explained our position. I think its more of a matter that you don't agree with our position. We are also working diligently to put

together a draft consent agreement and final order, along with a proposed penalty demand. If we are unable to present these at the meeting, you should receive them shortly thereafter. If you have any questions, please feel free to call.

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From: "Reagan, Mary" <mreagan@mcginnislaw.com>
To: Evan Pearson/R6/USEPA/US@EPA
Cc: Mark Hansen/R6/USEPA/US@EPA, "Jim Baumgardner" <JBAUMGARDNER@usecology.com>, "Simon Bell" <SBELL@usecology.com>, "Andrew Marshall" <amarshall@usecology.com>, <JDHead@fbhh.com>
Date: 03/29/2012 11:26 AM
Subject: U.S. Ecology/TD*X Associates

Dear Evan,

I understand US Ecology's CEO and TD*X's owner recently contacted John Blevins and Mark Hansen to discuss concerns associated with the EPA's proposed issuance of a formal complaint that would include an allegation that an incinerator permit is required to operate components of the thermal desorption unit. Both US Ecology and TD*X communicated their belief to Mr. Blevins and Mr. Hansen that any unilateral issuance of an unresolved complaint would result in customers' suspending shipments to the facility, effectively shutting down the thermal recycling business. Based on these conclusions, I further understand that Mr. Blevins agreed to withhold filing of the complaint over the next 30-45 days to allow the parties an opportunity to work out a settlement. Due to these recent communications, I am taking the liberty of copying Mr. Hansen on this e-mail as immediate assurance to him and Mr. Blevins of our commitment to this process.

Accordingly, although we maintain strong disagreement with EPA's conclusion as to the permitting status of this unit, at the same time we are actively exploring potential options that would be acceptable to the EPA so that any complaint can be accompanied with a clear resolution to EPA's concerns. The following provides our immediate plans and needs to discuss alternatives that may address EPA's concerns:

Schedule a meeting with TCEQ in an effort to discuss potential permitting strategies and other

considerations, including existing permit provisions that limit operating hours. We have already reached out to the TCEQ and are hoping to set up a meeting in Austin next week.

- TCEQ is the authorized permitting authority and must be in accord with the solution and regulatory basis.

· Work with EPA in an effort to better understand the technical and legal basis of EPA's conclusions including specific citations and associated regulatory basis.

- We have provided EPA with multiple EPA guidance documents, citations and rule references supporting our position that the thermal desorption unit is not an incinerator but to date the responsive information provided by EPA does not adequately explain EPA's technical analysis in our opinion.
- If we are to successfully develop a solution and an alternate permitting or other mutually satisfactory approach, it is important that we get more detail on the EPA's position, including the understanding of the relevance of the Rineco case which EPA has referenced in support of its position. It will be very difficult for us to address EPA's concerns and resolve this matter without a complete understanding of the technical and regulatory basis for EPA's conclusions. (As one example, it appears that EPA has concluded that the process used at U. S. Ecology's facility is comparable with Rineco's and based on this comparison, that the destruction of non-condensable gases in the combustion zone of the thermal desorption unit constitutes incineration. It appears, however, that Rineco uses a separate thermal oxidizer and EPA's consent decree with Rineco requires a Subpart X permit for a miscellaneous unit, not an incinerator permit.)

· Schedule a meeting with you, Mark Hansen, Suzanne Murray, Cheryl Seager, and other subject matter EPA experts to discuss the results of meetings with the TCEQ, to discuss the technical and regulatory basis of EPA's position, and to present potential compliance strategies. Assuming we are able to schedule meeting with TCEQ next week, we would then schedule meeting with EPA for the week of April 9-13th.

I will plan on calling you shortly to discuss the matter further. Please do not hesitate to contact me in the meantime with any questions. I greatly appreciate your continued assistance and involvement.

Regards,
Mary

Mary Reagan

Email: mreagan@mcginnislaw.com

Office: (512) 495-6013

Fax: (512) 505-6313

Address:

McGinnis, Lochridge & Kilgore, L.L.P.

600 Congress Avenue, Suite 2100

Austin, Texas 78701

Web: www.mcginnislaw.com

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Message

From: Shah, Harry [Shah.Harry@epa.gov]
Sent: 5/9/2012 7:00:45 PM
To: Susan Spalding [Spalding.Susan@epa.gov]
CC: Pearson, Evan [Pearson.Evan@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Potts, Mark [Potts.Mark@epa.gov]; Michael Barra [Barra.MichaelLNDU@usepa.onmicrosoft.com]
Subject: Re: Availability for Conference Call with TCEQ Regarding U.S. Ecology

2:00 pm is fine for me .

From: Susan Spalding/R6/USEPA/US
To: Evan Pearson/R6/USEPA/US@EPA
Cc: Guy Tidmore/R6/USEPA/US@EPA, Harry Shah/R6/USEPA/US@EPA, Kishor Fruitwala/R6/USEPA/US@EPA, Mark Potts/R6/USEPA/US@EPA, Michael Barra/R6/USEPA/US@EPA
Date: 05/09/2012 01:12 PM
Subject: Re: Availability for Conference Call with TCEQ Regarding U.S. Ecology

Does 2:00 on Thursday work for everyone?

Susan Spalding
Associate Director, RCRA
Multimedia Planning and Permitting Division
EPA Region 6
phone 214.665.8022

From: Evan Pearson/R6/USEPA/US
To: Susan Spalding/R6/USEPA/US@EPA
Cc: Kishor Fruitwala/R6/USEPA/US@EPA, Harry Shah/R6/USEPA/US@EPA, Mark Potts/R6/USEPA/US@EPA, Guy Tidmore/R6/USEPA/US@EPA, Michael Barra/R6/USEPA/US@EPA
Date: 05/09/2012 10:31 AM
Subject: Availability for Conference Call with TCEQ Regarding U.S. Ecology

I am available on Thursday from 1 - 4 p.m. and on Friday from 9 - 3 p.m. Depending upon when the call is scheduled, I may have to call in from home, so I may need a call in number. It is also important that Guy Tidmore be a part of this call.

Evan L. Pearson
Senior Enforcement Counsel (6RC-ER)
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Message

From: Shah, Harry [Shah.Harry@epa.gov]
Sent: 4/2/2012 2:18:53 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Fw: U.S. Ecology/TD*X Associates

----- Forwarded by Harry Shah/R6/USEPA/US on 04/02/2012 09:18 AM -----

From: Evan Pearson/R6/USEPA/US
To: mreagan@mcginnislaw.com, JDHead@fbhh.com
Cc: Mark Hansen/R6/USEPA/US@EPA
Date: 04/02/2012 09:12 AM
Subject: U.S. Ecology/TD*X Associates

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To: Evan Pearson/R6/USEPA/US@EPA

Cc: Mark Hansen/R6/USEPA/US@EPA, "Jim Baumgardner" <JBAUMGARDNER@usecology.com>, "Simon Bell" <SBELL@usecology.com>, "Andrew Marshall" <amarshall@usecology.com>, <JDHead@fbhh.com>
Date: 03/29/2012 11:26 AM
Subject: U.S. Ecology/TD*X Associates

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I will plan on calling you shortly to discuss the matter further. Please do not hesitate to contact me in the meantime with any questions. I greatly appreciate your continued assistance and involvement.

Regards,
Mary

Mary Reagan

Email: mreagan@mcginnislaw.com

Office: (512) 495-6013

Fax: (512) 505-6313

Address:

McGinnis, Lochridge & Kilgore, L.L.P.

600 Congress Avenue, Suite 2100

Austin, Texas 78701

Web: www.mcginnislaw.com

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Message

From: Shah, Harry [Shah.Harry@epa.gov]
Sent: 4/26/2012 9:28:32 PM
To: Susan Spalding [Spalding.Susan@epa.gov]
Subject: Fw: USET - TD*X Letter and CAFO
Attachments: Draft USET - TDX CAFO - 4-26-12.docx; USET - TDX CAFO Cover Letter with Enclosure A - 4-26-12.pdf

Here is the email with attachments. Thanks.

----- Forwarded by Harry Shah/R6/USEPA/US on 04/26/2012 04:15 PM -----

From: Evan Pearson/R6/USEPA/US
To: Kishor Fruitwala/R6/USEPA/US@EPA, Harry Shah/R6/USEPA/US@EPA, Craig Lutz/R6/USEPA/US@EPA, Brad Touns/R6/USEPA/US@EPA
Date: 04/26/2012 09:36 AM
Subject: USET - TD*X Letter and CAFO

Attached is our letter and our draft CAFO that was sent to USET & TD*X.



Draft USET - TDX
CAFO - 4-26-12....



USET - TDX
CAFO Cover Lett...

Evan L. Pearson
Senior Enforcement Counsel (6RC-ER)
RCRA Enforcement Branch
Office of Regional Counsel
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Phone - (214) 665-8074
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Message

From: Shah, Harry [Shah.Harry@epa.gov]
Sent: 3/30/2012 3:04:16 PM
To: Suran Peiris [Peiris.SuranLNDU@usepa.onmicrosoft.com]
Subject: Re: Identity of the TDU facility

Thanks for sharing that.

That is exactly what we thought.

From: Suran Peiris/R6/USEPA/US
To: Shah.Harry@epamail.epa.gov, Kishor Fruitwala/R6/USEPA/US@EPA
Date: 03/30/2012 09:55 AM
Subject: Identity of the TDU facility

Reference discussions yesterday, the only information I received about the identity of the TDU is as follows. The facility is located in Texas and is operated by US Ecology. A similar plant had been operated by them in Nevada. That had been closed down after an EPA inspection. The query had been submitted to air permits by Evan Pearson. Hope this helps.

Suran Peiris
Air Permits Section (6PD-R)
U.S. Environmental Protection Agency; Region 6
1445 Ross Avenue,
Dallas, TX 75202
Tel: (214) 665-6557
Fax: (214) 665-6762

THEY ARE NEVER ALONE THAT ARE ACCOMPANIED WITH NOBLE THOUGHTS!
Quotation from the Library of Congress, Washington DC

Message

From: Shah, Harry [Shah.Harry@epa.gov]
Sent: 4/10/2012 2:12:08 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Subject: Fw: Informal Comments on USET & TD*X CAA Permitting
Attachments: Informal CAA Permit Comments.pdf; Authorizations at US Ecology Robstown.xlsx

----- Forwarded by Harry Shah/R6/USEPA/US on 04/10/2012 09:11 AM -----

From: Evan Pearson/R6/USEPA/US
To: mreagan@mcginnislaw.com, jdhead@fbhh.com
Cc: Craig Lutz/R6/USEPA/US@EPA, Brad Toups/R6/USEPA/US@EPA
Date: 04/10/2012 09:11 AM
Subject: Informal Comments on USET & TD*X CAA Permitting



Informal CAA
Permit Comment...



Authorizations at
US Ecology Rob...

Evan L. Pearson
Senior Enforcement Counsel (6RC-ER)
RCRA Enforcement Branch
Office of Regional Counsel
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Message

From: /O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=774B35DA290741798FCA0ED737F707AA-SHAH, HARRY
[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=774B35DA290741798FCA0ED737F707AA-SHAH, HARRY]
Sent: 9/14/2018 3:21:08 PM
To: Gaines, Jeff [Gaines.Jeff@epa.gov]; Eby, Elaine [Eby.Elaine@epa.gov]
CC: Kishor Fruitwala [Fruitwala.Kishor@epa.gov]
Subject: FW: WAP/LDR working group request - 23 remaining WAPs by September 14 - updated - to reflect which WAPs we still need.
Attachments: Clean Harbors Baton Rouge WAP.pdf; US Ecology Tulsa WAP.pdf; Chem Waste WAP.pdf

Hello Jeff and Elaine,

Here are the requested WAP documents for the three facilities (copied here) as mentioned in the list sent earlier.

EPA Region 6				
34	LAD000777201	Chemical Waste Management Lake Charles	X	X
35		Clean Harbors Baton Rouge		X
36	OKD000402396	US Ecology Tulsa	X	

Note – WAP for #35 (Clean Harbors, Baton Rouge) is from the recent permit application. The final permit for the facility is not issued yet.

Let us know if you need more information.

Thanks.

Harry Shah
Acting Chief
RCRA Permits Section
Mail Code: 6MM-RP
US EPA Region 6
Suite 1200
Dallas, TX 75202-2733
Phone: (214)665-6457
Fax: (214)665-6762



"There couldn't be anything better than working to create a great environment we live in"

Message

From: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Sent: 9/5/2017 8:28:23 PM
To: Shah, Harry [Shah.Harry@epa.gov]
Subject: FW: IHW Permit No. 50052
Attachments: 2017_09_05 50052 Class3 IDP.pdf

From: Violet Mendoza [mailto:Violet.Mendoza@Tceq.Texas.Gov]
Sent: Tuesday, September 05, 2017 3:24 PM
To: Michelle Phillips <michelle.phillips@tceq.texas.gov>; Susie Medrano <susie.medrano@tceq.texas.gov>; Srinath Venkat <srinath.venkat@tceq.texas.gov>; Maureen Hatfield <maureen.hatfield@tceq.texas.gov>; will.wyman_tceq.texas.gov <will.wyman@tceq.texas.gov>; Diane Goss <diane.goss@tceq.texas.gov>; Tracy Chandler <tracy.chandler@tceq.texas.gov>; Smith, Melissa <Smith.Melissa@epa.gov>; Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Subject: IHW Permit No. 50052

Attached for your records.

Message

From: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Sent: 6/13/2016 7:56:39 PM
To: Luschek, Robert [Luschek.Robert@epa.gov]; Shah, Harry [Shah.Harry@epa.gov]
Subject: FW: Chem Waste HW Permit
Attachments: Draft CWM Permit.pdf; CWM TDU Flow Diagram.pdf

From: Pearson, Evan
Sent: Monday, June 13, 2016 2:52 PM
To: Fruitwala, Kishor <Fruitwala.Kishor@epa.gov>
Subject: Chem Waste HW Permit

Evan L. Pearson
Senior Enforcement Counsel (6RC-ER)
RCRA Enforcement Branch
Office of Regional Counsel
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
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Message

From: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Sent: 1/4/2018 12:56:41 PM
To: Shah, Harry [Shah.Harry@epa.gov]
Subject: FW: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052
Attachments: Permit_50052.pdf; ATT00001.txt

-----Original Message-----

From: enotice@tceq.texas.gov [mailto:enotice@tceq.texas.gov]
Sent: Wednesday, January 03, 2018 9:14 AM
To: enotice@tceq.texas.gov
Subject: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052

This email is being sent to electronically transmit an official document issued by the Office of the Chief Clerk of the Texas Commission on Environmental Quality.

This email is being sent to you because either (a) you filed a document with the Office of the Chief Clerk that made you part of the official mailing list for the above referenced matter, or (b) notice to you is legally required. As authorized by Texas Water Code 5.128, this electronic transmittal is replacing the previous practice of hard copy distribution. Amendments to Texas Government Code 552.137 prompted a change to the agency's privacy policy regarding confidentiality of certain email addresses. The revised privacy policy can be viewed at http://www.tceq.texas.gov/help/policies/electronic_info_policy.html.

Questions regarding this email may be submitted either by replying directly to this email or by calling the Office of the Chief Clerk at 512-239-3300.

The attached document is provided in an Adobe Acrobat .pdf format. If you cannot display the attachment, you may need to visit the Adobe web site (<http://get.adobe.com/reader>) to download the free Adobe Acrobat Reader software.

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Message

From: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Sent: 4/25/2018 7:31:27 PM
To: Shah, Harry [Shah.Harry@epa.gov]
Subject: FW: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052
Attachments: Permit_50052.pdf; ATT00001.txt

-----Original Message-----

From: enotice@tceq.texas.gov [mailto:enotice@tceq.texas.gov]
Sent: Wednesday, April 25, 2018 1:35 PM
To: enotice@tceq.texas.gov
Subject: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052

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Message

From: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]
Sent: 2/1/2018 1:08:49 PM
To: Shah, Harry [Shah.Harry@epa.gov]
Subject: FW: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052
Attachments: Permit_50052.pdf; ATT00001.txt

-----Original Message-----

From: enotice@tceq.texas.gov [mailto:enotice@tceq.texas.gov]
Sent: Wednesday, January 31, 2018 2:41 PM
To: enotice@tceq.texas.gov
Subject: TCEQ Notice - NUECES; US ECOLOGY TEXAS INC; Permit 50052

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Message

From: Shah, Harry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=774B35DA290741798FCA0ED737F707AA-SHAH, HARRY]
Sent: 6/14/2018 11:17:55 PM
To: Fruitwala, Kishor [Fruitwala.Kishor@epa.gov]; Ehrhart, Richard [ehrhart.richard@epa.gov]
Subject: RE: Landfill cover at US Ecology

Rick,

Please let me know when are you are planning to call TCEQ. I can join the call.

Thanks.

From: Fruitwala, Kishor
Sent: Thursday, June 14, 2018 4:19 PM
To: Ehrhart, Richard <ehrhart.richard@epa.gov>
Cc: Shah, Harry <Shah.Harry@epa.gov>
Subject: Landfill cover at US Ecology

Rick, I thought Harry attended the presentation but he could not. I suggest you call Srin. Harry can join you if he wants.

Thanks again.

Kishor
X6669

Message

From: Shah, Harry [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=774b35da290741798fca0ed737f707aa-Shah, Harry]
Sent: 9/14/2018 3:21:08 PM
To: Gaines, Jeff [Gaines.Jeff@epa.gov]; Eby, Elaine [Eby.Elaine@epa.gov]
CC: Kishor Fruitwala [Fruitwala.Kishor@epa.gov]
Subject: FW: WAP/LDR working group request - 23 remaining WAPs by September 14 - updated - to reflect which WAPs we still need.
Attachments: Clean Harbors Baton Rouge WAP.pdf; US Ecology Tulsa WAP.pdf; Chem Waste WAP.pdf

Hello Jeff and Elaine,

Here are the requested WAP documents for the three facilities (copied here) as mentioned in the list sent earlier.

EPA Region 6				
34	LAD000777201	Chemical Waste Management Lake Charles	X	X
35		Clean Harbors Baton Rouge		X
36	OKD000402396	US Ecology Tulsa	X	

Note – WAP for #35 (Clean Harbors, Baton Rouge) is from the recent permit application. The final permit for the facility is not issued yet.

Let us know if you need more information.

Thanks.

Harry Shah
Acting Chief
RCRA Permits Section
Mail Code: 6MM-RP
US EPA Region 6
Suite 1200
Dallas, TX 75202-2733
Phone: (214) 665-6457
Fax: (214) 665-6762



"There couldn't be anything better than working to create a great environment we live in"

Message

From: Shah, Harry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=774B35DA290741798FCA0ED737F707AA-SHAH, HARRY]
Sent: 9/14/2018 3:32:30 PM
To: Gaines, Jeff [Gaines.Jeff@epa.gov]; Eby, Elaine [Eby.Elaine@epa.gov]; Kishor Fruitwala [Fruitwala.Kishor@epa.gov]; Gaines, Jeff [Gaines.Jeff@epa.gov]; Eby, Elaine [Eby.Elaine@epa.gov]
CC: Kishor Fruitwala [Fruitwala.Kishor@epa.gov]
Subject: FW: WAP/LDR working group request - 23 remaining WAPs by September 14 - updated - to reflect which WAPs we still need.
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Harry Shah
Acting Chief
RCRA Permits Section
Mail Code: 6MM-RP
US EPA Region 6
Suite 1200
Dallas, TX 75202-2733
Phone: (214)665-6457
Fax: (214)665-6762



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